

5
No. 97-1252

Supreme Court, U.S.
FILED

JUL 16 1998

OFFICE OF THE CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1997

JANET RENO, ET AL., PETITIONERS

v.

AMERICAN-ARAB ANTI-DISCRIMINATION
COMMITTEE, ET AL.

ON WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JOINT APPENDIX

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Petition For Certiorari Filed: January 30, 1998
Certiorari Granted: June 1, 1998

2/6 PP

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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Docket No. CV87-2107

AMERICAN-ARAB ANTI-DISCRIMINATION
COMMITTEE, ET AL., APPELLEES

v.

JANET RENO, ET AL., APPELLANTS

SELECTED DISTRICT COURT
DOCKET ENTRIES

4/3/87	MR	1.	Complt. and Summs Case may be ref'd to Mag Kronenberg ofr dscvry.
* * * * *			
5-12-87	me	20.	FIRST AMEND COMPLT. pltfs
5-21-87	me	40.	ORD crt decided to dismiss action for combination of jurisdic- tional, standg, & jurispruden- tial concerns. (ENT 5-27-87)
* * * * *			
2-29-88	lj		LODGED cc of Ord frm 9th C/A petn for a writ of mandamus id DENIED. District Court lacks

jurisd to sondier a consitu-
tional challenge to the Orders
to show cause at issue in the
deporatation proceeding below.
8 U.S.C. § 1105a

* * * * *

6-15-88 fbr 53. 2nd A/C for declaratory & in-
junctive relief.

* * * * *

60. Note of motn & motn to dsms
for lack of jurisdctn & for fail-
ure to state a clm or for judg-
ment on the pldgs & in oppos to
motn for prelim injunct, retble
10-24-88. 1:30 pm. defts

* * * * *

11-15-88 dm 71. Hrg plths' motn for partial S/J
or in alt for P/I and defts' motn
to dsms for lack of jurisdctn &
for failure to state a clm or for
judgment on the pldgs: Crt
finds plths' have standing, not-
withstanding prosecution &
will consider merits. Motn of
defts to dsms DENIED. Crt
will examine rights afforded
(illegal/deportable) aliens. Mat-
ter cont'd to 12-9-88 3 pm for
decision on merits. Any fur

argmts may be submttd by
letter. MO

* * * * *

12-22-88 dm 78. Hrg hld on plths motn S/J. Crt
renders decision on the merits.
Crt finds sect 901(b) Foreign
Relations Auth Act fivlates 5th
amd & is therefore unconstitu-
tional. (see doc for other specif-
ics) MO C/R-DB

* * * * *

1-26-89 dm Memo opinion & ORD that
aliens lawfully residing in the
United States are protected by
First Amendment & their
First Amd rights are not
limited by government's ple-
nary immigration. power. Ap-
plying established First Amd
principles, we fur hold that
McCarran-Walter provisions
are substantially overbroad in
contravention of the First Amd.
(ENT 1-26-89) Mld Note/Mld
cpys

* * * * *

9-6-89 mc 108. Ord re Selectve Prosecutn Clm
& 3rd Clm for Relief—It is ord
tht crt cncls tht no jurispru-

dentl reasn exists to prvnt crt frm excersng frthwth its jurisdctn ovr pltfs slectve prosecutn clm. Crt frthr ords tht prtys submt brfs re dscvy on pltfs 3rd clm for releif on issues & accrdng to schdle discussd.

* * * * *

11-17-89 ms 130. Hearing held. Crt ords pltfs motn for partial S/J be granted-in-part & denied-in-part. Crt orders govern's motn to dsms denied as to the due process claim. Crt will allow pltfs to serve requests for interrogats & docs as to due process question upon Mr. Milhollan & Judge Hrycenko. Said interrogatories shall be focused & there shall not be more than 20 interrogatories upon each. If governm finds any of docs requested are for sensitive or privileged docs, governt shall submit said docs *in camera* to Crt for review. Crt orders parties may further brief issues of selective prosecution, due process, etc. as discussed. Crt will issue its own order shortly. M.O.

* * * * *

10/27/92 BP — ORD FROM 9TH CCA tht the appealed from jdugment of the said District crt in this cause be, & hereby is affirmed in appt, reversed in part, vacated & remanded.

* * * * *

11/19/93 BP 246. ORD Tht this crt therefore finds tht it lacks the jurisdiction to hear Hamide & Shehadeh's selective prosecution challenge & Hamide & Shehadeh's facial & as applied challenges to the deportation statute's provisions (ENT 11/22/93) mld cpys & notc.

1/7/94 248 ORDER The govt to produce to pla's by 2/11/94; any records of govt deportation actns during 1986 to 1993 for non-ideological, passive violations of the Immigration laws against any person the the govt knew was a member of any of these groups. This court hereby ORDS tht dft is preliminary enjoined frm conducting fur deportation proceedings against pla's. Please see lengthy doc in case fl for fur details by Judge Stephen V.

Wilson (ENT 1/11/94) mld cpys
& notc. (bp) [Entry date
01/11/94]

* * * * *

1/7/94

250 ORDER This court hereby
GRANTS pla's mot for a pre-
liminary injunction enjoining
the govt frm using classified in-
formation in considering & ad-
judicating the applications of
Barakat & Sharif unless the
govt provides Barakat & Sharif
with that information. The
court hereby ORDS the govt to
provide this discovery by
2/18/94. a mot for S/J should
focus on the need to develop a
factual record for the proce-
dural fairness of following con-
fidential information in IRCA
application proceedings. in gen-
eral & in the cases of Barakat
& Sharif in general. by Judge
Stephen V. Wilson (ENT
1/11/94) mld cpys & notc. (bp)
[Entry date 01/11/94]

3/7/94

251 NOTICE OF APPEAL by plain-
tiff Kader Mamide and Michael
Shehadeh to the 9th C/A frm
Dist. Court ord ent on 01/11/94.
(cc: David Cole: Michael P.
Linderman: Michael C. John-

son) Fees: Paid. Johnson (dmap)
[Entry date 03/10/94]

3/10/94

252 NOTICE OF APPEAL by de-
fendants, Janet Reno, Doris
Meissner, Harold Ezell, C.M.
McCullough, Ernest Gustafson,
Ricahrd K. Rogers and the
Immigration & Naturalization
Sevice to the 9th C/A from
Dist. Court ord ent 1/11/94 (cc:
ACLU Foundation of So. Calif,
Paul L. Hoffman, Esq.; David
Cole, Esq.; Marc Van Der
Hout, Esq.) Fee: Waived. (fvap)
[Entry date 03/16/94]

* * * * *

1/8/96

— LODGED cc 9th C/A ord jgm of
Dist Cet is AFFIRMED IM
PART, REVERSED AND RE-
MANDED IN PART. (app)
[Entry date 01/17/96]

2/27/96

363 MOTION by defendants to dis-
solve prelininary injunction
(we) [Entry date 03/04/96]

* * * * *

4/29/96

406 ORDER by Judge Stephen V.
Wilson denying dft's motion to
dissolve preliminary injunction
[363-1],, granting plf's motion

for preliminary injunction RE:
Hamide & Shehadeh [357-1]
(ENT 4/30/96) mld cpys/ntc
(mm) [Entry date 04/30/96]

* * * * *

5/24/96

412 NOTICE OF APPEAL by plain-
tiffs Aiad Barakat and Naim
Sharif to 9th C/A from Dist.
Court ord ent 3/25/96. (cc: Marc
Van Der Hout, Paul L. Hoff-
man, David Cole, Michael P.
Linderman, AUSA.) Fee: Paid.
(dl)

* * * * *

6/28/96

414 NOTICE OF PRELIMINARY
INJUNCTION APPEAL by
Janet Reno, AUSA to 9th C/A
from Dist. Court ord ent on
4/30/96. [414-1] (cc:Michael P.
Lindemann, AUSA: Paul L.
Hoffman: Marc Van Der Hout:
David Cole: Peter A. Schey:
Dan Storrmer: Kate Martin).
Fee: Waived. (app) [Entry date
07/01/96] [Edit date 07/01/96]

10/16/96

448 Notice of filing, NOTICE OF
MOTION AND MOTION by de-
fendant Immigration & Natz,
defendant Gilbert Reeves, de-
fendant Ernest R Gustafson,

defendant Harold Ezell, defen-
dant Alan Nelson, defendant
Edwin Meese to stay, to dis-
miss; motion hearing set 1:30
11/4/96 (tw) [Entry date
10/18/96]

* * * * *

2/7/97

482 ORDER by Judge Stephen V.
Wilson denying defts motion to
dismiss [448-2] (lc) [Entry date
02/10/97]

* * * * *

4/8/97

492 NOTICE OF PRELIMINARY
INJUNCTION APPEAL by de-
fendants Janet Reno, Doris
Meissner, Harold Ezell, C.M.
McCullough, Ernest Gustafson,
Richard K. Rogers, and the
Immigration and Naturaliza-
tion Service to 9th C/A from
Dist. Court Ord fld 2/7/97 [482-
1] (cc: AUSA; U.S. Department
of Justice, Washington, D.C.;
Van Der Hout & Brigagliano;
ACLU Foundation of Southern
California; Georgetown Uni-
versity Law Center) Fee:
Waived. (pjap) [Entry date
04/09/97]

* * * * *

1/9/98 507 CERTIFIED COPY of Appellate Court Order: #96-55929 affirming the decision of the District Court [414-1], 97-55479 affirming the decision of the District Court [492-1]. (ENT 1/16/98 (pbap) [Entry date 01/16/98]

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Docket No. 96-55929

AMERICAN-ARAB ANTI-DISCRIMINATION
COMMITTEE, ET AL., PLAINTIFFS

AND

AIAD BARAKAT; NAIM SHARIF;
KHADER MUSA HAMIDE;
NUANGUGI JULIE MUNGAI;
AYMAN MUSTAFA OBEID; AMJAD OBEID;
MICHEL IBRAHIM SHEHADEH; BASHAR AMER,
PLAINTIFFS-APPELLEES

v.

JANET RENO, ATTORNEY GENERAL;
HAROLD EZELL; C.M. MCCULLOUGH,
DORIS MEISSNER, COMMISSIONER, INS;
ERNEST E. GUSTAFSON; PAST DISTRICT DIRECTOR, INS;
RICHARD K. ROGERS, DISTRICT DIRECTOR, INS;
GILBERT REEVES, OFFICER, INS IMMIGRATION
AND NATURALIZATION SERVICE,
DEFENDANTS-APPELLANTS

SELECTED COURT OF APPEALS
DOCKET ENTRIES

7/22/96 Filed appellees' motion to assign to prior panel; served on 7/17/96 (to MOATT) [3050339] (hh) [96-55929]

* * * * *

7/26/96 Filed defts/aplts Janet Reno, et al, response to motion to assign to prior panel; served on 7/23/98 (to MOATT) [96-55929] (hh) [96-55929]

* * * * *

8/19/96 Filed order MOATT (James R. BROWNING, Pamela A. RYMER,): Aples' motion to assign this appeal to the same panel that ruled on one of the prior appeals in this case . . . is GRANTED. Accordingly, the clerk of the court shall forward all appropriate filings to the panel that decided American-Arab Anti-Discrimination Comm. v. Reno, 70 F.3d 1045 (9th Cir. 1995). The briefing schedule established prevsly shall remain in effect. The panel may set a date for oral argument or, pursuant to FRAP 34(a) and 9th Cir.R. 34-4, decide the appeal on the briefs without oral argument. [96-55929] (hh) [96-55929]

* * * * *

10/23/96 Filed Appellants Janet Reno, et al., motion to stay further briefing and consideration of the merits of this appeal for 60 days pending resolution by the dc of the govt's recent motion to dismiss the complaint in light of public law no. 104-208, which eliminates the dc's jurisdiction over this case;

exhibits; served on 10/22/96 (to PANEL) [96-55929] (hh) [96-55929]

* * * * *

11/1/96 Filed Appellees' opposition to aplts' motion to stay further briefing and consideration of the merits of the appeal; served on 10/31/96 (to PANEL) [96-55929] (hh) [96-55929]

* * * * *

11/20/96 Filed order (Dorothy W. NELSON, William C. CANBY, Jack E. Tanner,): Defts-aplts' motion to stay further briefing is DENIED. Defts-aplts are ordered to file a supplemental brief on the applicability of public law no. 104-208 to this case. The brief is due 21 days from the date of this order. Plntfs-aples are ordered to file a supplemental answering brief on this issue on or before the 21st day following the day on which defts-aplts submit their supp'l brf. Defts-aplts' request to file a reply brief on the merits of the underlying claims is GRANTED. The reply brief is due 14 days following the filing of this order. SO ORDERED. [96-55929] (hh) [96-55929]

* * * * *

4/28/97 Filed pltfs motion to consolidate cases 97-55479 & 96-55929 and assign it to previous

panel; served on 4/24/97 [3218797]
PREVPNL (em) [96-55929 97-55479]

* * * * *

5/1/97 Filed deft-Appellants' response to appellee's motion to consolidate cases and assigning it to previous panel, re: agreeing [3218797-1] served on 4/30/97 PANEL in 96-55929 [97-55479] (em) [97-55479]

* * * * *

5/28/97 Filed order (Dorothy W. NELSON, William C. CANBY, Jack E. Tanner,): Pltfs-aples motion to assign this appeal to prior panel and consolidate appeal with 96-55929 is granted. The pltfs-aples' mkotion to alter briefing schedule to dispense with additional briefing is granted. Pltfs-aples' request to file a supplemental reply briefing is denied. (parties phoned) (em) [96-55929 97-55479]

* * * * *

6/23/97 ARGUED AND SUBMITTED TO Dorothy W. NELSON, William C. CANBY, Jack E. Tanner [96-55929, 97-55479] (cv) [96-55929 97-55479]

* * * * *

7/10/97 FILED OPINION: AFFIRMED (Terminated on the Merits after Oral Hearing; Af-

firmed; Written, Signed, Published. Dorothy W. NELSON, author; William C. CANBY; Jack E. Tanner.) FILED AND ENTERED JUDGMENT. [96-55929, 97-55479] (em) [96-55929 97-55479]

* * * * *

8/20/97 [3288209] Filed oriinal and 40 copies Appellant Janet Reno petition for rehearing with suggestion for rehearing en banc 18 p.pages, served on 8/9/97 (PANEL AND ALL ACTIVE JUDGES) (sm) [96-55929 97-55479]

* * * * *

12/23/97 Filed Published order (Dorothy W. NELSON, William C. CANBY, Jack E. Tanner,): The petition for rehearing is denied and the suggestion for rehearing en banc is rejected. (Published with dissent by Judge O'Scannlain with whom Judges Kozinski and Kleinfeld joined) in 96-55929, 97-55479 [96-55929, 97-55479] (em) [96-55929 97-55479]

* * * * *

2/11/98 Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 97-1252 filed on 2/2/98. [96-55929, 97-55479] (em) [96-55929 97-55479]

* * * * *

6/8/98 Received notice from Supreme Court, petition for certiorari GRANTED on 6/1/98. Supreme Court No. 97-1252 (PANEL) (em) [96-55929 97-55479]

ATTORNEYS FOR PLAINTIFFS

(Attorneys Listed On Next Page)

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Civ. No. 87 02107
SRW (Kx)

AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE;
ARAB-AMERICAN DEMOCRATIC FEDERATION;
ASSOCIATION OF ARAB AMERICAN
UNIVERSITY GRADUATES;
IRISH NATIONAL CAUCUS;
PALESTINE HUMAN RIGHTS CAMPAIGN;
AMERICAN FRIENDS SERVICE COMMITTEE;
LEAGUE OF UNITED LATIN AMERICAN CITIZENS;
MICHEL BOGOPOLSKY; DARREL MEYERS;
SOUTHERN CALIFORNIA INTERFAITH TASK FORCE
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AAD KHALED BARAKAT;
KHADER MUSA HAMIDE; JULIE NUANGUGI MUNGAI;
AMJAD MUSTAFA OBEID;
AMJAD MUSTAFA OBEID;
AYMAN MUSTAFA OBEID; NAIM NADIM SHARIF;
MICHEL IBRAHIM SHEHADEH; AND BASHAR AMER,
PLAINTIFFS

v.

EDWIN MEESE III, IN HIS CAPACITY AS
ATTORNEY GENERAL OF THE UNITED STATES;
ALAN C. NELSON, IN HIS CAPACITY AS COMMISSIONER
OF THE IMMIGRATION AND NATURALIZATION SERVICE;

HAROLD EZELL, PERSONALLY AND IN HIS CAPACITY AS
 DIRECTOR OF THE WESTERN REGION OF THE
 IMMIGRATION AND NATURALIZATION SERVICE
 ERNEST GUSTAFSON, PERSONALLY AND IN HIS
 CAPACITY AS DISTRICT DIRECTOR OF THE IMMIGRATION
 AND NATURALIZATION SERVICE;
 THE IMMIGRATION AND NATURALIZATION SERVICE,
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SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I.

INTRODUCTION

1. This is an action for damages and for declaratory and injunctive relief challenging the use by the Immigration and Naturalization Service ("INS") of the provisions of the McCarran-Walter Act of 1952 ("The Act"), codified in 8 U.S.C. §1251(a)(6), to initiate investigations, arrests and deportation proceedings based upon activities clearly protected by the First and Fifth Amendments of the United States Constitution. It is under these provisions, specifically §§1251(a)(6)(D)(F)(G) and (H), that the INS in Los Angeles has arrested and sought to deport and still threatens to deport several plaintiffs in this action for allegedly belonging to an organization, the Popular Front for the Liberation of Palestine ("PFLP"), that allegedly distributes literature which "advocates" the doctrines of "world communism." The INS continues to charge plaintiffs Hamide and Shehedah under §§1251(a)(6)(F)(iii) for being affiliated with an organization—the PFLP—that "advocates" or "teaches" the "unlawful damage, injury or destruction of property."

Upon information and belief, it is pursuant to these provisions that the INS has participated in the preparation of a Contingency Plan ("The Plan") and pursued a policy which targets other aliens from Arab countries for similar treatment based on their constitutionally protected activities and associations. Because the challenged provisions of the McCarran-Walter Act punish aliens for their constitutionally-

protected activities, associations and beliefs, the use of §241(a)(6) of the Act in the recent Los Angeles deportation proceedings, as well as implementation of the INS plan and policy, have chilled political debate and discussion within the Arab community, in other ethnic communities and in the community at large. A declaration that the challenged provisions of the McCarran-Walter Act and the other practices and acts of the defendants challenged herein are unconstitutional on their face, and as applied in the Los Angeles deportation proceedings, and an injunction against the investigation, arrest, detention or deportation of aliens based upon §241(a)(6) of the Act is necessary to restore full First and Fifth Amendment rights to these threatened communities.

3. Since the first amended complaint was filed, this Court dismissed plaintiffs Hamide and Shehadeh's challenge to subsection (F)(iii), and the Court of Appeals denied plaintiffs Hamide and Shehadeh's request for an extraordinary writ. In December 1987, Congress effectively amended the McCarran-Walter with the passage of Section 901 of the Foreign Relations Authorization Act, but defendants have continued with the challenged deportation actions. Defendants have maintained that the Congressional provisions are inapplicable to persons, like the accused plaintiffs here, who the INS believes are associated with the PFLP. In addition, defendants have instituted unprecedented "summary exclusion" proceedings against a Palestinian permanent resident in Ohio, who they also assert is associated with the PFLP. Thus, the passage of time has only confirmed that defendants intend to use the challenged provisions against those who they assert are members of the PFLP.

4. Upon information and belief, although defendants have replaced the "ideological" charges with technical, non-ideological charges with respect to six of the accused plaintiffs, INS would not have arrested them at the outset nor continue to press for their deportation had they not been alleged to be members of an organization which defendants believe is grounds for deportation under Section 241(a)(6)(D)(F)(G) and (H). But for Section 241 (a)(6)(D)(F)(G) and (H), the accused plaintiffs would not be in deportation proceedings at all. The removal of the threat of investigation and deportation under the challenged provisions would alleviate the harms described by the plaintiffs herein.

II.

JURISDICTION

5. This Court has jurisdiction over plaintiffs' claims pursuant to 28 U.S.C. §1329, 1331 and 1361 and the Declaratory Judgment Act, 28 U.S.C. §2201 *et seq.*, this being an action authorized by law to redress the deprivation under color of law, statute, ordinance, regulation, custom and usage of a right, privilege and immunity secured to plaintiffs by the First and Fifth Amendments to the United States Constitution.

6. Venue is proper under 28 U.S.C. §1391(e).

III.

PARTIES

A. Plaintiffs

AMERICAN-ARAB ANTI-DISCRIMINATION COMMITTEE

7. Plaintiff American-Arab Anti-Discrimination Committee ("ADC") is a not-for-profit corporation incorporated in the District of Columbia. The ADC has over 17,000 members and 61 local chapters throughout the United States. The ADC is a non-sectarian, non-partisan service organization committed to defending the rights and promoting the heritage of Arab Americans. The largest grassroots Arab-American organization in the United States, ADC was founded in 1980 by former United States Senator James Abourezk in response to stereotyping, defamation and discrimination directed against Americans of Arab descent. ADC serves its nationwide membership through direct advocacy in cases of defamation and stereotyping, and through legal action in cases of discrimination and immigration. ADC publishes information on issues of concern to Arab-Americans provides educational materials on Arab history and culture as well as the ethnic experience of Arabs in America. The ADC also sponsors summer internships in Washington for Arab college students, including non-citizen visa holders. Membership in the ADC is open to citizens, permanent residents and non-citizens and many ADC members are aliens. At least two of the defendants in the pending deportation proceedings are ADC members.

8. There are numerous members of the ADC who are citizens of other countries residing in the United States and who are subject to deportation under §§1251(a)(6) if they engage in activities deemed by the Government to fall within that statute. Many ADC members are of Palestinian origin and are actively engaged in discussion and debate about issues of concern to the Palestinian community around the world. Some ADC members engage in the kinds of

activities which appear to be the basis of the pending deportation proceedings in Los Angeles. Specifically, ADC members read and distribute a wide variety of literature relating to the Palestinian community and to Middle East issues generally. This literature includes *Al Hadaq*, *Democratic Palestinian* and similar magazines which may be perceived as "advocating" a "marxist" or "communist" line about Middle East issues. In general, many ADC members participate in debates, discussions and other events at which all points of view on Middle East issues are espoused and considered. ADC is a sponsor or participant of many public meetings at which such topics are discussed. Moreover, many ADC members make financial contributions to a wide variety of causes and organizations in support of Palestinians and their rights. These activities of ADC and its members have been chilled by the Los Angeles prosecution. Plaintiff ADC brings this action on behalf of itself and its members.

ARAB-AMERICAN DEMOCRATIC FEDERATION

9. Plaintiff Arab-American Democratic Federation ("Federation") is an association of Arab-American Democratic Party Clubs and Arab-Americans registered to vote as members of the Democratic Party. The Federation has members in clubs throughout the United States. The Federation's purpose is to create a bond between, and an opportunity for Arab-Americans who support Democratic Party goals and principles to work with the Democratic Party on a local, state and national level. The Federation was formed in May 1985. At present it has approximately 2,500 members. Arab-American Democratic Federation Clubs are located in the State of Rhode Island and the cities of Brooklyn, Washington, D.C., Los Angeles,

Detroit, Chicago, Houston, San Francisco, and parts of Western Pennsylvania. The Federation has many members and supporters who are not citizens. These members and supporters are subject to deportation under §1251(a)(6) if they engage in activities deemed by the Government to fall within that statute. The pending deportation proceedings in Los Angeles and the Contingency Plan have threatened the Federation's work because aliens who wish to be involved in the Federation's work are afraid that involvement in the political process may result in their deportation. Plaintiff Federation brings this action on behalf of itself and its members.

ASSOCIATION OF ARAB-AMERICAN UNIVERSITY GRADUATES

10. Plaintiff Association of Arab-American University Graduates ("AAUG") is a not-for-profit, tax-exempt educational and cultural organization dedicated to fostering better understanding between the Arab and American peoples, and promoting informed discussion of critical issues concerning the Arab world and the United States. The organization was founded in 1967. It is the oldest national Arab-American organization. AAUG members constitute the largest group of Arab-American scholars and professionals in North America. In addition to publishing books, papers and periodicals on Arab and Arab-American affairs, the Arab-Israeli conflict, and U.S. foreign policy, the AAUG organizes conferences and seminars on the Middle East and Arab-American issues, and an annual convention. AAUG has also convened special conferences in the Arab world including a 1979 conference held in Beirut on U.S. foreign policy; sponsored delegations to the Middle

East; provided speakers for public forums on that area of the world and the concerns of Arab-Americans; and utilized its members' professional skills to further socio-economic needs in the Arab world. AAUG members include American citizens of Arab-speaking descent, permanent residents and other non-citizens of Arab heritage, including a large membership of Arab students enrolled at colleges and universities in the United States. Many AAUG members are Palestinian and are actively engaged in activities relating to the Palestinian community in the United States and the Middle East. Some AAUG members engage in the kinds of activities which appears to be the basis for the pending deportation proceedings in Los Angeles. Specifically, AAUG members read and distribute literature, including *Al Hadaf Democratic Palestine* and similar magazines which may be perceived as having a "marxist" or "communist" line about Middle East issues. AAUG members also participate in a wide variety of demonstrations, public meetings and fundraisers which include supporters of the PFLP's positions on Middle East issues. These activities have been chilled by the pending deportation proceedings and the INS Plan and policy because alien members of AAUG may be the subject of deportation proceedings under § 241(a)(6) if they are perceived to be supporters of the PFLP or of a "marxist" "communist" line on Middle East issues. The chill caused by the Los Angeles proceedings and the INS Plan also make AAUG's program of activities much more difficult to implement because of the fear in the Arab community. Plaintiff AAUG brings this action on behalf of itself and its members.

IRISH NATIONAL CAUCUS

11. Plaintiff Irish National Caucus ("INC") is an Irish lobby in the United States headquartered on Capitol Hill in Washington, D.C. It is non-violent and has no foreign principal. The INC operates an educational foundation whose function is to explain problems in Ireland, including the problems of human rights violations and discrimination subsidized by the United States. For this reason, the INC sponsors speakers who have been labelled by the British Government as "terrorists," "marxist" or "communists" so that all views about the situation in Ireland will be available to the public in the United States. The speakers and participants in INC-sponsored programs have included permanent residents and other non-citizens of Irish descent in this country. The threat of prosecution and deportation under the McCarran-Walter Act, particularly in light of the recent proceedings initiated in Los Angeles, seriously threatens INC's ability to present all views on the Irish political and religious struggle and the opportunity of Irish Americans and others to hear these views.

PALESTINE HUMAN RIGHTS CAMPAIGN

12. Plaintiff Palestine Human Rights Campaign ("PHRC") is an organization concerned with furthering the Universal Declaration of Human Rights. PHRC is comprised of individuals from the religious, civil liberties, peace and academic organizations. Founded in 1977, it is a non-profit organization with 22 chapters throughout the United States and a number of affiliate groups. Many of the persons active in PHRC's work are non-citizens. The PHRC brings in

political and human rights activists from overseas for speaking tours in the United States. In addition, it holds conferences and seminars in this country and organizes fact-finding delegations to the Middle East. A newspaper is published bi-monthly, as well as special reports throughout the year. The PHRC also coordinates a Religious Taskforce and an Academic Network with total involvement of approximately 9,000 people. Permanent residents and other non-citizens regularly are invited to attend meetings and conferences sponsored by PHRC and are members of the Academic Network. The threat of prosecutions under the McCarran-Walter Act, particularly in light of the deportation proceedings pending in Los Angeles, impedes full discussion and debate at meetings and conferences sponsored by PHRC and has made and will make it more difficult for PHRC to include persons with every range of view on Middle East issues in its activities. This impact is felt both those working with PHRC in this country and those PHRC would like to invite to speak as expert witnesses.

THE AMERICAN FRIENDS SERVICE COMMITTEE

13. The American Friends Service Committee ("AFSC") is a not-for-profit corporation incorporated in the State of Pennsylvania. Since 1917 AFSC has been active in works of humanitarian relief and service, reconciliation among nations and peoples and programs to address discrimination, poverty and oppression. The AFSC carries on its work on behalf of the several branches of the Religious Society of Friends (Quakers) in the United States. AFSC work is carried out by a staff of over 400, guided by a national Board of Directors and a network of lay committees, through a National office in Philadelphia,

nine regional offices in the United States and through programs overseas.

14. The AFSC has long been involved in efforts to build a climate of peace in the Middle East. In 1948, the United Nations requested AFSC to organize the first relief service program for Palestinian refugees in the Gaza Strip. From this time forward, AFSC has been deeply involved in the issue of justice and peace in the Middle East, supporting humanitarian projects in Israel, the West Bank and Gaza Strip and the surrounding Arab states.

15. For many years the AFSC has developed and maintained an education program in the United States about Middle East issues with the goal of promoting public debate and support for a solution to the Middle East crisis acceptable to Israelis, Palestinians and other Arabs. As part of this program, AFSC organizes speaking engagements for Palestinians and Israelis living in the United States. AFSC also organizes conferences with speakers who are nationals from the Middle East who reside in the United States. The core of AFSC's Middle East work in the United States is to provide a platform for Middle East nationals living here and abroad so that there can be full debate and discussion of all viewpoints on Middle East issues.

16. The deportation proceedings pending against seven Palestinians and a Kenyan based on § 241(a)(6) of the McCarran-Walter Act have already had damaging effect on AFSC's ability to carry out its work. Recently, when an AFSC staff member issues invitations to three Palestinians to be part of the speaker's program, one individual refused, citing her unwillingness to speak publicly because of the deportation proceedings in Los Angeles. Two other persons said

they would postpone their decision until the outcome of the trial in Los Angeles was known and the INS Contingency Plan withdrawn. The other two persons said they could not speak publicly because of the risk of deportation.

17. The AFSC has a vital interest in this litigation. The pending deportation proceedings and the INS Plan have already had a chilling effect on the AFSC's constituents and its work. Moreover, the impact of the deportation proceedings and the INS Plan on the communities served by AFSC's Middle East Program has required AFSC to devote increased resources in support of its work in the Arab community. The removal of the threat of investigation and deportation under §241(a)(6) would alleviate the above-described harms suffered by AFSC and its constituents.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS

18. Plaintiff League of United Latin American Citizens ("LULAC") is the oldest and largest membership organization in the United States for individuals of Latino descent. Founded in 1927 in Corpus Christi, Texas, LULAC has 100,000 members organized into over 400 active local councils throughout the United States and Puerto Rico. LULAC makes no distinction in membership between citizens and those holding permanent resident or other non-citizen status. No inquiries are made of membership as to their immigration status overall. Many members of LULAC are aliens. As part of its program, LULAC runs seminars and conferences on a state, regional and national level and also does advocacy work with various government agencies. Many of the new refugee members of LULAC want to speak out about

their recent experiences in Central America and elsewhere; however, the news reports of recent prosecutions of Palestinian immigrants in Los Angeles have heightened the existing fears in the Latino community throughout the U.S. about INS practices. Many of these refugees may espouse what the Government may perceive as a "marxist" or "communist" line concerning issues in Central American and Latin America. Many opposition groups and political organizations in countries in these regions are perceived by the U.S. Government as having a "marxist" or "communist" character. Thus, aliens from these regions, including LULAC members, are fearful of engaging in any activities which could be perceived as indicating "membership" or "affiliation" in groups which the Government may contend fall within §241(a)(6) of the Act. The recent deportation proceedings and the continuing threat of further investigations and deportation proceedings based on § 241(a)(6) of the Act has made and will continue to make LULAC's work with aliens more difficult by preventing them from discussing all aspects of the political situation in their homelands. Plaintiff LULAC brings this suit on behalf of itself and its members.

MICHEL BOGOPOLSKY

19. Plaintiff Michel Bogopolsky is a resident of the County of Los Angeles. Bogopolsky is a journalist who co-hosts a regular bi-weekly, one-hour radio show on KPFK entitled, "Middle East in Focus." The program concerns current events and political analysis of the situation in the Middle East and is broadcast on other Pacifica stations and picked up by satellite on radio stations across the country. During the past several years Bogopolsky has had

several of the accused plaintiffs and other local Arab activists on his program to present their viewpoints on the Middle East-issues. It is vital to the program to have all political viewpoints represented on the show, including the viewpoints of organizations which the U.S. Government might consider "marxist" or "communist" or "terrorist" in nature. Since the recent deportation proceedings commenced in Los Angeles, it has become impossible to have any alien on the show to espouse the political views of the PFLP or other groups which might be deemed to be covered by the amorphous provisions of § 241(a)(6) of the McCarran-Walter Act because of the risk of investigation and deportation. The fear engendered by these prosecutions have impeded Bogopolsky's work as a journalist and his ability to present all views on "Middle East in Focus."

REVEREND DARREL MEYERS

20. Plaintiff Reverend Darrel Meyers is a Presbyterian minister. He is Chair of the Social and Ecumenical Concerns Committee of the Presbyterian Synod of Southern California and Hawaii. He is Chair of the Middle East Fellowship ("Fellowship") of Southern California, an interfaith taskforce composed of people who have lived, worked or travelled frequently in the Middle East and who are committed to presenting a balance of information on, and a just peace in the conflicts in the Middle East. The Fellowship is composed of clergy, lay activists and academics, and includes Christians, Muslims, Jews and those with other or no religious affiliation. As part of this work, the Presbyterian Taskforce recently sponsored a four-day conference in San Francisco, attended by over 250 people, which featured

former hostage Ben Weir. Other speakers before the conference included former imprisoned Palestinians who spoke with great conviction of their cause. Throughout this work in the Fellowship and the Presbyterian Synod, Meyers ensures that discussion includes the full scope of groups in the occupied areas of Palestine. As a direct result of the prosecutions in Los Angeles under the McCarran-Walter Act, Meyers has experienced concern on behalf of many Arab-Americans and Arab immigrants about participation in such events. In addition to the general feeling of intimidation in the Palestinian community, Meyers has been impacted by the immediate sense that he cannot talk to people freely in this country about Middle East issues for fear that they might be detained or deported down the line because of forum discussions in which he is a participant.

SOUTHERN CALIFORNIA ECUMENICAL COUNCIL INTERFAITH TASKFORCE ON CENTRAL AMERICA

21. The Southern California Ecumenical Council Interfaith Taskforce on Central America ("SCITCA") is an organization of individuals and congregations which was created in 1980 as a response to the escalation of U.S. intervention in Central America and the consequent flow of refugees to the United States. SCITCA is composed of 330 congregations and individuals working to educate and mobilize Southern California are also included in the membership. Numerous aliens participate in SCITCA's work. SCITCA organizes forums, conferences, and delegations to members of Congress composed of clergy and laypersons, refugees from Central America, witnesses recently returned from

Central America, and academics who study the region. The pending deportation proceedings in Los Angeles under the McCarran-Walter Act threaten SCITCA's work in a dramatic way. The use by the INS of §241(a)(6) of the Act to silence and intimidate political debate, activity, and discussion in the Palestinian community establishes a dangerous precedent that can be used in the Central American community. This is particularly so because the U.S. Government has frequently referred to opposition groups and organizations in Central America as "marxists," "communists" or "terrorists." The recent proceedings make it impossible for aliens who wish to espouse the views associated with such groups to speak publicly because of the threat of deportation under the McCarran-Walter Act.

ACCUSED PLAINTIFFS

22. Plaintiffs Aiad Khaled Barakat, Khader Musa Hamide, Julie Nuangugi Mungai, Amjad Mustafa Obeid, Ayman Mustafa Obeid, Naim Nadim Sharif, Michel Ibrahim Shehadeh and Bashar Amer ("accused plaintiffs") are residents of the County of Los Angeles, except for Bashar Amer, who is a resident of the County of Riverside. Each of them has been charged by the INS with the violation of § 241(a)(6) of the McCarran-Walter Act, 8 U.S.C. 1251(a)(6) based on their alleged "membership" or "affiliation" with the Popular Front for the Liberation of Palestine ("PFLP"). Their alleged "membership" or "affiliation" with the PFLP is based on allegations that these plaintiffs distributed magazines published by the PFLP; supported the PFLP or its views in public meetings and demonstrations; raised money for the support of these activities and engaged in other acts

indicating support for the PFLP. None of these plaintiffs has been accused of committing *any* criminal act. The arrests and deportation proceedings have had a dramatic impact on the political activities and lives of the accused plaintiffs. These plaintiffs are unable to engage freely in speech or related activities because such activities might be used by the Government as evidence that they have violated §241(a)(6) of the Act. The accused plaintiffs' First Amendment rights have been frozen since January 1987, and will continue to be frozen until this Court grants the relief they are seeking. Based on this Court's previous orders and the decision of the Ninth Circuit plaintiffs Hamide and Shehadeh's claims under § 241(a)(6)(F)(iii) have been dismissed. Plaintiffs Hamide and Shehadeh continue to pursue their claims under §§ 241(a)(6)(D), (G) and (H). The remaining accused plaintiffs continue to pursue their claims under §§ 241(a)(6)(D)(F)(G) and (H).

DEFENDANTS

23. Defendant Edwin Meese III ("Meese") is the Attorney General of the United States and is charged with overall responsibility for the administration and enforcement of the Immigration and Nationality Act pursuant to 8 U.S.C. §1103. In that capacity and through his agents, he exercises the power to initiate investigations, arrests and deportation proceedings under §§ 1251(a)(6). Defendant Meese is sued only in his official capacity.

24. Defendant Alan C. Nelson ("Nelson") is the Commissioner of the Immigration and Naturalization Service ("INS") and as such is charged with the overall administration of the Act, his authority being delegated to him by defendant Meese pursuant to

8 U.S.C. § 1103(b) and 8 C.F.R. §§ 100.2(a) and 103.1. In that capacity and through his agents, he exercises the power to initiate investigations and deportation proceedings under 8 U.S.C. § 1251(a)(6). Defendant Nelson is sued only in his official capacity.

25. Defendant Harold Ezell ("Ezell") is the Director of the Western Region of the INS. In that capacity he is charged with the overall administration of the Act within the Western Region. In that capacity and through his agents Ezell was responsible for initiating investigations and deportation proceedings based upon 8 U.S.C. § 1251(a)(6) against the accused plaintiffs in Los Angeles in late 1986 and early 1987. Defendant Ezell is sued only in his official capacity.

26. Defendant Ernest Gustafson ("Gustafson") is the District Director of the Los Angeles District of the INS. In that capacity he is charged with the administration of the Act within the Los Angeles District. In that capacity and through his agents Gustafson was responsible for initiating investigations, arrests and deportation proceedings based on 8 U.S.C. § 1251(a)(6) against the accused plaintiffs in Los Angeles in late 1986 and early 1987. Defendant Gustafson is sued only in his official capacity.

27. Defendant Gilbert Reeves ("Reeves") is an official of the INS in the Los Angeles District office. As Acting Director, Reeves executed the original Orders to Show Cause which led to the arrest and detention of the accused plaintiffs pursuant to 8 U.S.C. § 1251(a)(6) of the Act. Reeves is sued only in his official capacity.

28. Defendant Immigration and Naturalization Service is the federal agency within the Department of Justice responsible for administering the Immigration and Nationality Act. Pursuant to that authority

INS implements 8 U.S.C. § 1251(a)(6) and the INS' employees arrested defendants and initiated deportation proceedings against the accused plaintiffs.

IV.

FACTS

A. The Act

29. Section 241(a)(6) of the McCarran-Walter Act authorizes the deportation of aliens residing within the United States for speech and associational activities clearly protected by the First Amendment. In particular, § 241(a)(6)(D) of the Act provides for the deportation of aliens who "advocate the economic, international, and governmental doctrines of world communism" or "members" or affiliates" of any organization that "advocates the economic, international, and governmental doctrines of world communism . . . either through its own utterances or through any written or printed publications issued or published by or with the permission or consent of or under the authority of such organization or paid for by the funds of or funds furnished by, such organization." Section 241(a)(6)(F)(iii) provides for the deportation of aliens who "advocate or teach or who are members of or affiliated with any organization that advocates or teaches . . . the unlawful damage, injury or destruction of property." No criminal acts either by the alien or the organization are required under the statute to justify the deportation of aliens, including aliens who are lawful permanent residents and have lived and worked in this country for many years.

B. The Plan

30. In May 1986, the Central Office of the INS promulgated a plan entitled "Alien Terrorists and Undesirables: A Contingency Plan" ("The Plan"). The Plan is a blueprint for the investigation, arrest, detention and deportation of aliens from Arab countries which the U.S. Government believes support terrorism. Pursuant to the Plan individuals targeted based on information received from other governmental agencies or intelligence sources are to be located, apprehended, detained and removed from the United States. The Plan reflects an underlying policy of the INS to target certain groups of aliens residing in the United States, particularly aliens from Arab countries, for deportation under the McCarran-Walter Act.

31. The Plan includes provision for a general registry of all non-immigrant aliens to target people for deportation. It also outlines use of proceedings pursuant to § 241(a)(6) of the Act and possible criminal prosecutions initiated under Titles 8 and 18 of the U.S. Code. Other agencies are required to provide the information necessary to support these actions to the INS. The Plan provides for the detention without bond of hundreds of persons from Arab countries pursuant to a general round-up of persons from countries thought to sponsor "terrorist" activities and expedited deportation proceedings in which deportation would be accomplished through the use of secret evidence not made available to the charged individuals or their counsel.

32. Also in 1986, as part of the Plan, the Alien Border Control Committee ("ABC") was formed. The Committee consists of representatives of several government agencies, included but not limited to, INS, FBI, CIA, Intelligence Unit of U.S. Customs, the

Counter-Terrorism and the Consular Affairs Sections of the Department of State, and various divisions of the Department of Justice, including Security, Criminal, Office of Legal Planning, Intelligence Policy and Review, Legislative and Intergovernmental Affairs and the Executive Office for Immigration Review ("EOIR")—the entity that oversees all immigration judges and of which every immigration judge is a party.

33. The first meeting of the ABC Committee was held at the Department of Justice on September 17, 1986. Four working groups were established. The EOIR was a part of Group III which had the assignment of "expulsion from the United States of alien activists not in conformity with their immigration status and expeditious deportation of aliens engaged in support of terrorism while protecting classified information and its sources." The Group, according to INS Assistant Commissioner Robert J. Walsh, was chaired by the INS General Counsel and had the participation of other Department of Justice divisions, as well as the FBI and the CIA.

C. Implementation

34. In January 1987, the INS initiated deportation proceedings against the accused plaintiffs based on alleged violations of § 241(a)(6) of the Act. The eight were originally alleged to be members of the PFLP, which was alleged to be an organization which disseminates or publishes materials advocating the economic or governmental doctrines of world communism. None of the eight was alleged to have committed any criminal acts or to have engaged in any acts of violence. Each of the eight was arrested and detained initially without bail. They were detained in a high

security prison under lockdown conditions. Upon information and belief, the arrest, detention and deportation proceedings initiated against the eight was undertaken pursuant to the above-described Plan and to an INS policy to target aliens from Arab countries under the McCarran-Walter Act.

35. The Los Angeles deportation proceedings are essentially based upon the alleged distribution of magazines which are publicly available at bookstores; fundraising events; participation in public speeches, meetings and demonstrations; and other activities upon which the INS bases its "affiliation" charge. All of these activities are protected by the First Amendment.

36. Deportation proceedings against the accused plaintiffs were commenced on February 17, 1987, continued to April 28, 1987, and again to May 8, 1987. In February and March 1987, unnamed Government sources within the FBI leaked substantial "confidential" information from the Government's files relating to the proceedings against the accused plaintiffs, including information relating to the Government's "case" against the accused plaintiffs. Upon information and belief, this material has been leaked in an attempt to put the Government's actions in a good light and to influence the outcome of the proceedings.

D. The Arrests

37. On or about January 26, 1987, using a combined total of between 150 and 200 agents of the INS, FBI and local police officers, seven of the eight accused plaintiffs were arrested at gunpoint in a series of pre-dawn raids on their homes. Plaintiffs Khader Musa Hamide and Julie Nuangugi Mungai were arrested at home in Glendale at approximately 7:00 a.m. when

three agents identifying themselves as INS pushed their way into the apartment. Despite defendants' request, no warrant was shown prior to entry and at no time that first day did any law enforcement official advise Hamide of his Miranda rights. Hamide responded to what he believed to be a subpoena to turn over all copies of *Al Hadaaf*, *Democratic Palestine* and *PFLP Bulletin* magazines in his home. Additional agents of the FBI, INS and local police were outside his home with weapons drawn. At several times during that first day, FBI agents questioned Hamide and threatened him with deportation if he did not cooperate. From the day of his arrest until his release on his own recognizance on February 17, 1987, Hamide was detained, first in San Diego, then at Terminal Island, in maximum security conditions, with limited visitation and restrictions on other activities. For the first day, he was held completely incommunicado from lawyers and family. After that time, he was taken to court or allowed visitation only when shackled hands to feet. Plaintiff Mungai was detained for three weeks at Sybil Brand Jail.

38. Plaintiff Aiad Khaled Barakat was arrested under similar circumstances when eight agents entered his home. The agent denied Barakat's request to call a lawyer. Agents confiscated a file with papers located in the kitchen and removed a briefcase with other papers from Barakat's car. Barakat was handcuffed and taken away in a car. When he asked during initial questioning who was arresting him, the agent responded, "Answer him, son of a bitch." The officers threatened him with deportation to Jordan and likely physical harm at the hands of the government. All requests by Barakat to call a lawyer during the first day's interrogations were denied. Not until the end of

the first day was Barakat advised of his *Miranda* rights. He was held in similar conditions to plaintiff Hamide until his release on \$500 bail on February 17, 1987.

39. Plaintiff Naim Nadim Sharif was arrested at gunpoint by at least ten agents at the home of his brother before his three-year old niece. Sharif was handcuffed and taken away in his pajamas, allowed to put on only a jacket and sneakers. The officers collected personal items from the plaintiff's room and other parts of the house. Sharif was interrogated in the car; however, no *Miranda* warning was given prior to the interrogation. He was held under the conditions described in paragraph 36 above until his release on \$2,000 bail.

40. Plaintiff Ayman Mustafa Obeid was arrested after six agents pushed their way into his apartment and pointed a gun at Obeid's head. He was immediately handcuffed while agents searched his apartment. Plaintiff's request for a search warrant was responded to by the agents with laughter; his request to call a lawyer was refused with the agent calling the plaintiff an "asshole." The plaintiff was placed in a car for a half hour while agents collected magazines from his apartment. At no time was the plaintiff advised of his *Miranda* rights while agents interrogated him in the car. Plaintiff Obeid was held until 7:00 p.m. that evening at the police station without access to food, water or cigarettes. He was transferred to Terminal Island, where he was held, under conditions described in paragraph 36 above, until his release on his own recognizance on February 17, 1987.

41. Plaintiff Bashar Amer was arrested at Chaffey College on or about February 12, 1987, while taking his chemistry exam. Agents entered the classroom

and removed him. He was taken handcuffed to maximum security at Terminal Island.

42. Plaintiff Amjad Mustafa Obeid was arrested at his apartment at approximately 7:00 a.m. When his wife answered a knock at the door, about agents pushed through into the apartment. Four agents entered the bedroom where plaintiff was sleeping, several with guns drawn, and ordered him to dress. The agents started to question his wife. The agents then entered the bedroom of Obeid's Greek roommate and started to question him and check his immigration papers. When asked for a warrant to search the house, the agents refused to respond. Plaintiff was presented with an arrest warrant and handcuffed. Plaintiff's request to be advised of his rights was met with rejection and ridicule. He was taken outside where the streets had been cordoned off with approximately four police cars filled with officers. There were a total of about fifteen officers involved in the arrest. The officers also entered a neighboring apartment occupied by people from Lebanon to check immigration papers. Plaintiff was transported to the Los Angeles County Jail, where he was handed over to immigration officials at approximately noon and taken to court for his first appearance. Following that, plaintiff was transferred to San Diego and held in maximum security conditions. He received no food or water until late that night. He was held in San Diego for 36 hours and then brought up to court on January 28, 1987. At the request of counsel, on January 28, 1987, plaintiff was transferred to Terminal Island, where he was held under conditions described in paragraph 36 above, until his release on his own recognizance on February 17, 1987.

43. Plaintiff Michel Ibrahim Shehadeh was at home alone with his three-year old son when agents entered his house at 7:00 a.m. on January 26, 1987. Approximately eight agents entered the house to arrest Shehadeh. The officers were going to leave the child alone in the apartment and denied plaintiff an opportunity to call for someone to stay with the child; however, a neighbor arrived before they left. There were several police cars outside the apartment building and approximately fifteen agents were involved in all in the arrests. Shehadeh was held under the conditions described above until his release on his own recognizance on February 17, 1987. His son has had nightmares since the arrest.

E. The Deportation Proceedings

44. From January 1987 to April 1987 all of the accused plaintiffs were charged under 8 U.S.C. § 1251(a)(6)(D)(G) and (H) of the Act. Plaintiff Mungai was originally charged only with being an overstay non-immigrant under §241(a)(2)(6) but the § 241(a)(6)(D)(G) and (H) charge was added on February 10, 1987. On or about April 23, 1987, defendants dropped the charges against six of the accused plaintiffs under these sections of the Act. Upon information and belief, defendants did so for tactical reasons only, and will refile charges under § 241(a)(6)(D)(F)(G) or (H) whenever they determine that it is tactically useful to do so. Defendants still maintain that all of the accused plaintiffs have affiliations with the PFLP which render them subject to deportation under the challenged provisions. Thus these six plaintiffs remain constantly at risk of the reinitiation of the charges under 8 U.S.C. § 1251(a)(6), and must restrict

their speech and associational activities as long as that threat remains.

45. On or about April 27, 1987, INS also dropped the charges under § 1251(a)(6)(D)(G) and (H) against the remaining accused plaintiffs, Hamide and Shehedah. The INS then filed new charges under § 1251(a)(6)(F)(iii) against these plaintiffs based on their alleged affiliation with an organization, the PFLP, which allegedly "advocates" or "teaches" the "unlawful damage, injury or destruction of property."

46. On May 11, 1987, all charges against the accused plaintiffs were terminated by Immigration Judge Ingrid Hyrchenk because of defendants' refusal to produce defendant Reeves as a witness at a hearing to determine whether defendants' conduct in connection with the initiation and maintenance of the immigration proceedings violated the Fifth Amendment. On May 12, 1987, defendants refiled these same charges against the accused plaintiffs. These proceedings have been stayed pending the resolution of an appeal before the Board of Immigration Appeals. Defendants have never renounced the use of any provision in 8 U.S.C. §1251(a)(6) and continue to maintain the appropriateness of using these provisions against the accused plaintiffs and other aliens now and in the future.

47. On December 22, 1987, Congress enacted the Foreign Relations Authorization Act for Fiscal Years 1988 and 1989, Section 901 of which addresses ideological deportations and exclusions. The new law states that "[n]otwithstanding any other provision of law, no alien may be . . . subject to deportation because of any past, current, or expected beliefs, statements or associations which, if engaged in by a United States citizen in the United States, would be

protected under the Constitution of the United States." Section 901(a). However, Section 901(b) creates exceptions for aliens "who a consular official or the Attorney General knows or has reasonable ground to believe has engaged, in an individual capacity or as a member of an organization, in a terrorist activity or is likely to engage after entry in a terrorist activity" and for members of the Palestine Liberation Organization ("an alien who is described in section 21(c) of the State Department Basic Authorities Act of 1956"). The INS has maintained that both exceptions apply to persons alleged to be members of the PFLP.

48. On December 31, 1987, the INS instituted "summary exclusion" proceedings under the McCarran-Walter Act against Fouad Rafeedie, a permanent resident alien living in Ohio. The INS charges Rafeedie with being associated with the PFLP, and is seeking his exclusion and deportation under the parallel provision in the exclusion statutes to that invoked against Hamide and Shehadeh here. This expansion of the INS' actions against Palestinians charged solely with association with an unpopular Palestinian rights organization increases the chill felt by all plaintiffs in this action.

F. Chill

49. The above-described deportation proceedings, and the arrests, detentions, denials of bail and media campaign relating therein, have sent a chill through the Arab community throughout the United States, particularly the Palestinian community. The types of activities upon which the Los Angeles deportation proceedings have been based are speech and associational activities engaged in by a great many members

of the Arab community. Because the defendants seek in the pending procedures to establish "membership" or "affiliation" in the PFLP through evidence of speech-related activities no alien living in this country is safe to participate in a wide range of ordinary political or expressive activities or associations which might be viewed by the government as being of a "communist" or "terrorist" character. The use of this statute in the recent deportation proceedings has created an overwhelming sense of insecurity and uncertainty about the scope of First Amendment rights for aliens living in this country. This is particularly true for persons from countries or regions of the world in which opposition groups or organizations are viewed by the U.S. Government as being "marxist," "communist" or "terrorist" in character, and it is especially true for persons who support Palestinian rights. This insecurity and uncertainty has led inevitably to the suppression of plaintiffs' expressive and associational activity and has diminished public debate and discussion of crucial issues concerning the Middle East and other areas of the world. Defendants' actions have also suppressed all of the plaintiffs' rights to receive ideas and have thus abridged the exercise of their rights of speech, press and political freedom.

50. Plaintiffs will continue to suffer injury to their First and Fifth Amendment rights if the challenged activities are not enjoined. Defendants' actions are arbitrary, capricious and contrary to law. Plaintiffs have no adequate remedy at law. Only the relief requested will redress plaintiffs' injuries. The accused plaintiffs have attempted to raise their constitutional arguments in the pending deportation pro-

ceedings and have exhausted all available administrative remedies.

51. The chill felt by aliens supporting Palestinian rights is exacerbated by defendants' interpretation and application of Section 901 of the Foreign Relations Authorization Act. Under this Act, and under defendants' application thereof, all aliens are ensured that they cannot be deported for speech and associational activities that would be constitutionally protected for U.S. citizens, *except* those aliens whom the INS views as associated with the Palestine Liberation Organization or with organizations deemed "terrorist." Only those persons may still be deported for advocating world communism or the destruction of property. This singling out of aliens who support Palestinian rights increases the risk that such aliens will face deportation for their speech or associations.

V.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(ALL PLAINTIFFS)

51. Plaintiffs incorporate Paragraphs 1 through 50 herein as though set forth in full.

52. Section 241(a)(6), 8 U.S.C. § 1251(a)(6), on its face and as applied in the pending deportation proceedings in Los Angeles, violates the First and Fifth Amendments to the United States Constitution.

SECOND CLAIM FOR RELIEF

(ACCUSED PLAINTIFFS ONLY)

53. Plaintiffs incorporate paragraphs 1 through 50 herein as though set forth in full.

54. The accused plaintiffs have been selected for investigation, arrest, detention and initiation and maintenance of deportation proceedings on the basis of a bad faith prosecution involving governmental misconduct and based upon their country of origin and their exercise of First Amendment rights, all in violation of the First and Fifth Amendments to the United States Constitution. Defendants' investigation, arrest, detention and initiation and maintenance of deportation proceedings against the accused plaintiffs is a selective and vindictive prosecution of plaintiffs in violation of plaintiffs' First and Fifth Amendments.

THIRD CLAIM FOR RELIEF

(ACCUSED PLAINTIFFS ONLY)

55. Plaintiffs incorporate paragraphs 1 through 50 herein as though set forth in full.

56. Upon information and belief the Executive Office of Immigration Review participated in the creation of the INS Contingency Plan and in the policy of targeting aliens from Arab countries for deportation under the McCarran-Walter Act. Specifically, the EOIR participated in the Alien Border Control Committee and had responsibility to plan, along with other agencies, the "expeditious deportation of aliens engaged in support of terrorism while protecting classified information and its sources." The EOIR's participation in the creation of the Plan renders the EOIR and all immigration judges incapable of providing a fair and impartial hearing to the accused plaintiffs. The deportation proceedings pending against the accused plaintiffs in immigration court therefore violate the accused plaintiffs' rights to due process under the Fifth Amendment.

FOURTH CLAIM FOR RELIEF

58. Paragraphs incorporate paragraph 1 through paragraph 50 herein as though set forth in full.

59. Section 901(b) of the Foreign Relations Authorization Act, by singling out members, or suspected members, of the Palestine Liberation Organization for continued ideological deportation, violates the equal protection guarantee of the Fifth Amendment to the United States Constitution.

FIFTH CLAIM FOR RELIEF

60. Paragraphs incorporate paragraph 1 through paragraph 50 herein as though set forth in full.

61. Section 901(b) of the Foreign Relations Authorization Act by singling out members, or suspected members, of the Palestine Liberation Organization for ideological deportation constitutes a bill of attainder in violation of Article I, § 9, cl 3 of the United States Constitution.

VI.

RELIEF

WHEREFORE, plaintiffs request that this Court:

1. Declare that Section 241(a)(6)(D)(F)(G) and (H) of the McCarran-Walter Act of 1952, 8 U.S.C. § 1251(a)(6)(D)(F)(G) and (H), on its face violates the First and Fifth Amendments to the United States Constitution;

2. Declare that Section 241(a)(6)(D)(F)(G) and (H) of the McCarran-Walter Act, 8 U.S.C. § 1251(a)(6)(D)(F)(G) and (H), as applied in the pending deportation proceedings against the accused plaintiffs, violates the First and Fifth Amendments to the United States Constitution;

3. Declare that the accused plaintiffs have been subjected to selective, discriminatory, vindictive and bad faith investigation and prosecution in violation of the First and Fifth Amendments to the United States Constitution;

4. Declare that the exception for Palestine Liberation Organization members in Section 901 of the Foreign Relation Authorization Act on its face violates the First and Fifth Amendments to the United States Constitution.

5. Declare that the exception for Palestine Liberation Organization members in Section 901 of the Foreign Relations Authorization Act on its fact constitutes a Bill of Attainder in violation of Article I, § 9, cl 3 of the United States Constitution.

6. Enjoin defendants from investigating any person for alleged violations of Section 241(a)(6)(D)(F)(G) and (H) of the McCarran-Walter Act or initiating or maintaining any deportation proceedings against any person for alleged violations of these provisions of the Act;

7. Enjoin the deportation proceedings now pending against the accused plaintiffs;

8. Grant plaintiffs costs of suit and attorneys fees; and

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9. Grant such other further relief as this Court
deems just and proper.

DATED: June 15, 1988

PAUL L. HOFFMAN
MARK D. ROSENBAUM
JOHN HAGAR
CAROL SOBEL
PATRICIA ERICKSON
ACLU FOUNDATION OF
SOUTHERN CALIFORNIA

DAN STORMER
NATIONAL LAWYERS
GUILD

MARC VAN DER HOUT
NATIONAL LAWYERS
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DAVID COLE
MICHAEL RATNER
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WADE HENDERSON
HOPE NAKAMURA
AMERICAN CIVIL
LIBERTIES UNION

PETER SCHEY
NATIONAL CENTER
FOR IMMIGRANTS
RIGHTS, INC.

BY: PAUL L. HOFFMAN
PAUL L. HOFFMAN
Attorneys for
Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case No. 87-02107
SVW (Kx)

AMERICAN-ARAB ANTI-DISCRIMINATION
COMMITTEE, ET AL.
PLAINTIFFS

v.

JANET RENO, ET AL.,
DEFENDANTS

MOTION TO DISMISS

Defendants hereby move pursuant to Federal Rule
of Civil Procedure 12(b)(1) to dismiss the above-
captioned case for lack of subject matter jurisdiction,
for the reasons set forth in the accompanying Memo-
randum in Support.

Respectfully submitted,

PHILIP D. BARTZ
PHILIP D. BARTZ
Deputy Assistant Attorney
General

MICHAEL P. LINDEMANN
MICHAEL P. LINDEMANN
Assistant Director

MADLINE HENLEY
MADLINE HENLEY
Attorney

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Attorney

Office of Immigration
Litigation
Civil Division
U.S. Department of Justice
P.O. Box 878
Ben Franklin Station
Washington, D.C. 20044
(202) 616-4900

Date: November 4, 1996

Time: 1:30 p.m.

Courtroom:

Hon. Stephen V. Wilson

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Case No. 87-02107
SVW (Kx)

AMERICAN-ARAB ANTI-DISCRIMINATION
COMMITTEE, ET AL.
PLAINTIFFS

v.

JANET RENO, ET AL.,
DEFENDANTS

**DEFENDANT'S MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS**

FRANK W. HUNGER
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ATTORNEYS FOR DEFENDANTS

[Dated November 4, 1996]

On April 3, 1987, plaintiffs filed the above-captioned suit challenging the constitutionality of the Attorney General's efforts to deport them and seeking to stay administrative proceedings. On September 30, 1996, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("the 1996 Act"). Illegal Immigration Reform and Immigrant Responsibility Act, Pub. L. No. 104-208, 110 Stat. 3009 (1996) (Division C of Omnibus Consolidated Appropriations Act, 1997) (relevant provisions attached as Exhibit A). As explained below, the 1996 Act divested this Court of jurisdiction over this litigation effective September 30, 1996,¹ and plaintiffs' case must therefore be dismissed.

Section 306(a) of the 1996 Act amends section 242 of the Immigration and Nationality Act ("INA") by adding the following provision:

EXCLUSIVE JURISDICTION. Except as provided in this section and notwithstanding any other provision of law, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence

¹ The provisions of INA section 242(g), 8 U.S.C. § 1252(g) (as amended by the 1996 Act § 306(a)) and 306(c) of the 1996 Act became effective on September 30, 1996, when President Clinton signed the 1996 Act into law. See *United States v. Shaffer*, 789 F.2d 682, 686 (9th Cir. 1986) ("In the absence of an express provision in the statute itself, an act takes effect on the date of its enactment.") (citations omitted). See also *United States v. Bafia*, 949 F.2d 1465, 1480 (7th Cir. 1991), cert. denied, 504 U.S. 928 (1992); *United States v. King*, 948 F.2d 1227, 1228-29 (11th Cir. 1991), cert. denied, 503 U.S. 966 (1992); *Demars v. First Serv. Bank for Sav.*, 907 F.2d 1237, 1238-39 (1st Cir. 1990).

proceedings, adjudicate cases, or execute removal orders against any alien under [the INA].

INA § 242(g), 8 U.S.C. § 1252(g) (as amended). The instant action arises "from the decision or action by the Attorney General to commence [and] adjudicate proceedings" against the plaintiffs, and therefore falls squarely within the terms of the amended statute. In addition, section 306(c) of the 1996 Act makes clear that Congress intended amended section 242(g) to apply to pending cases. That section expressly states that the new section 242(g) is applicable "without limitation to claims arising from all past, pending, or future exclusion, deportation, or removal proceedings under [the INA]." 1996 Act § 306(c). Thus, according to the plain language of section 242(g), this Court is divested of all of the claims that the plaintiffs have made in this case.

Where dismissal is sought based on statutory repeal of a court's jurisdiction, the first inquiry is "whether Congress has expressly prescribed the statute's proper reach." *Duldulao v. INS*, 90 F.3d 396, 398 (9th Cir. 1996) (quoting *Landgraf v. USI Film Products*, 511 U.S. 244, ___, 114 S. Ct. 1483, 1505 (1994)). "If so, [the court] simply appl[ies] the terms of the statute." *Id.* Here, Congress could not have been more explicit as to the "proper reach" of the new section 242(g). Congress plainly provided that section 242(g) should apply "without limitation to claims arising from all past, **pending**, or future exclusion, deportation, or removal proceedings under [the INA]." 1996 Act § 306(c) (emphasis added). Accordingly, this Court must apply the terms of section 242(g), and dismiss this case for lack of jurisdiction. *See id.*

Further, even if the Court were to somehow find that the language of the new statute is not clear with respect to its application to pending cases, the Ninth Circuit's analysis in *Duldulao* still controls and requires dismissal for lack of jurisdiction. The Ninth Circuit in *Duldulao* heard a challenge to a provision of the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") that precludes the circuit courts from reviewing appeals from final orders of deportation entered against certain criminal aliens. *See* § 440(a) of the AEDPA, Pub. Law. No. 104-132, 110 Stat. 1214 (1996). The Court concluded that this provision is jurisdictional and, as such, it "takes away no substantive right but simply changes the tribunal that is to hear the case."² *Duldulao*, 90 F.3d 399 (quoting *Landgraf*, 511 U.S. at ___, 114 S. Ct. at 1501). Under these circumstances, the "presumption

² The Second, Third, Fifth, Sixth, and Eleventh circuits have also heard challenges to this provision of the AEDPA and, like the Ninth Circuit, have concluded that it ousts the courts of jurisdiction over all cases, brought by certain criminal aliens, including cases pending on the date of the AEDPA's enactment. *See Salazar-Haro v. INS*, ___ F.3d ___, NO. 96-3007, 1996 WL 518261 (3d Cir. Sept. 13, 1996); *Hincapie-Nieto v. INS*, 92 F.3d 27 (2d Cir. 1996); *Salmo v. INS*, No. 96-3404 (6th Cir. Aug. 5, 1996), *Qasguargis v. INS*, 91 F.3d 788 (6th Cir. 1996), *pet. for reh'g denied* (Aug. 21, 1996); *Mendez-Rosas v. INS*, 87 F.3d 672 (5th Cir. 1996) (per curiam) *Rolle v. INS*, No. 96-4560 (11th Cir. July 15, 1996). *See also Sanchez-Rodriguez v. INS*, No. 96-9518 (10th Cir. July 12, 1996) (holding that AEDPA provision divests court of jurisdiction over petition for review filed after AEDPA's effective date). *Compare Reyes-Hernandez v. INS*, 89 F.3d 490 (7th Cir. 1996), *pet. for reh'g denied* (Sept. 27, 1996) (finding that AEDPA provision does not divest court of jurisdiction where alien admitted deportability but may have had defense thereto).

against retroactive application of new legislation to pending cases . . . does not apply." *Id.* at 399 (quoting *In re Arrowhead Estates Dev. Co.*, 42 F.3d 1306, 1311 9th Cir. 1994)). Given this analysis, here it is plain that 242(g) is a jurisdictional statute affecting only the power of the Court to hear the case, and not the substantive rights of any party.³ As such, there is no presumption against application in this case. Moreover, as "[t]he Supreme Court has long held[,] . . . 'when a law conferring jurisdiction is repealed without any reservation as to pending cases, all cases fall within the law.'" *Id.* at 399 (quoting *Bruner v. United States*, 343 U.S. 112, 116-17, 72 S. Ct. 581, 584 (1952)).

Even plaintiffs' counsel has recognized that the 1996 Act divests the courts of jurisdiction over cases of this kind. See David Cole, *Here's Something to Fear in Immigration Bill*, N.Y. Times, Sept. 27, 1996,

³ The 1996 Act does provide for judicial review of challenges to deportation proceedings—it simply prescribes the proper time and forum for those challenges. A statutory or constitutional challenge to a deportation proceeding will receive judicial review, but only *after* a final order of deportation has been entered, and then only by the United States circuit courts of appeals:

Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceedings brought to remove an alien from the United States under this title shall be available only in judicial review of a final order of deportation.

INA § 242(b)(9), 8 U.S.C. § 1252(b)(9) (as amended by § 306(a) of the 1996 Act). See generally *id.* §§ 242(a)(1), 242(b), 8 U.S.C. §§ 1252(a)(1), 1252(b) (placing jurisdiction to hear petitions for review of final orders of deportation exclusively with the courts of appeals).

at A32 (Exhibit B). Indeed, Mr. Cole has gone so far as to represent that section 242(g) "in fact bar[s] any court from hearing any challenge to decisions by the Immigration and Naturalization Service to commence and adjudicate proceedings." *Id.*

In short, Congress has explicitly provided that the courts do not have jurisdiction in cases of this kind, and, accordingly, this case must be dismissed.

CONCLUSION

For the reasons set forth above, the Court should dismiss this action in its entirety.

Respectfully submitted,

PHILIP D. BARTZ

PHILIP D. BARTZ

Deputy Assistant Attorney
General

MICHAEL P. LINDEMANN

MICHAEL P. LINDEMANN

Assistant Director

MADELINE HENLEY

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Date: Nov. 4, 1996
Time: 1:30 p.m.
Courtroom:
Hon. Stephen V. Wilson

Congressional Testimony of William Webster
S. Hrg. 100-276
NOMINATION OF WILLIAM H. WEBSTER

HEARINGS
BEFORE THE
SELECT COMMITTEE ON INTELLIGENCE
OF THE
UNITED STATES SENATE
ONE HUNDREDTH CONGRESS
FIRST SESSION
ON
NOMINATION OF WILLIAM H. WEBSTER,
TO BE DIRECTOR OF CENTRAL INTELLIGENCE

WEDNESDAY, APRIL 8; THURSDAY, APRIL 9;
THURSDAY, APRIL 30; AND FRIDAY, MAY 1, 1987

Printed for the use of the Select Committee on Intelligence

U.S. GOVERNMENT PRINTING OFFICE

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* * * * *

[94] STATEMENT OF HON. ALAN CRANSTON,
A U.S. SENATOR FROM
THE STATE OF CALIFORNIA

Senator CRANSTON. Thank you, Mr. Chairman. I welcome you to this committee.

Judge WEBSTER. Thank you, Senator.

Senator CRANSTON. You come before us at a time of strain and stress for the Intelligence Community in the wake of the Iran/Contra matters. It is very important to have someone of experience and integrity and very good judgment assuming the role of leading the Intelligence Community. From all that I've gathered this far, you're highly qualified for this nomination, and subject to whatever may come up in the scope of these hearings, I expect you're going to be confirmed, and I will be one of those very happy to join in that confirmation.

I do want to ask you some questions that relate to something that happened in California a while ago. This hearing gives me the opportunity to do that. According to press reports the FBI started an investigation of the Popular Front for the Liberation of Palestine some three years ago. Some of my questions you may not want to answer in open session, some you may want to go back to look at the files, but let me ask you what prompted your investigation at that time of the PFLP?

Judge WEBSTER. Senator, I appreciate your understanding the constraints that I am under in responding to that question. The PFLP is a world-wide organization which has been extremely violent in its activities. It has claimed credit and been involved in

such incidents as the shootings in Munich and the hijacking of the famous plane that went to Entebbe. A number of Americans have been victims of the PFLP terrorist activity. There was a substantial basis under the Attorney General guidelines to conduct investigations of this organization and the individuals in that organization who might—who we had reason to believe might be engaged in terrorist activity. That was the basis for opening the investigation.

Senator CRANSTON. Did you have any reason to believe that the group was actually engaged in or planning to engage in terrorist activities in this country?

Judge WEBSTER. Taken as a whole, I think we had reason to believe that there were plans in operation of a terrorist nature. With all that is going on in the Middle East we have an awareness of infrastructures in the United States which could form the basis for support mechanisms if individual groups chose to retaliate or to engage in terrorist activities here in this country, and that goes across a number of such organizations. The individuals who were arrested in California had not been found to have engaged themselves in terrorist activity.

Senator CRANSTON. I understand that the Immigration Service actually carried out the arrest of the PFLP members for deportation purposes. But the arrests were based on information provided by the FBI concerning the organization and activities of the individuals, is that correct?

Judge WEBSTER. I believe that is correct, Senator.

[95] Senator CRANSTON. Press reports allege there was mistreatment of the arrested people by the

Immigration Service agents, not by the FBI agents. Were FBI agents present during the arrest?

Judge WEBSTER. FBI agents were present at the arrest for the purpose of being in a position to interview any of those arrested who wished to cooperate. We did not make the arrest.

Senator CRANSTON. Are you looking into the charges of mistreatment of the people during the arrest by the Immigration officials, or do you have any information on that?

Judge WEBSTER. Of course I have spoken to Mr. Allen Nelson, the head of the Immigration Service, and he has ordered an Office of Professional Responsibility investigation into the allegations. We had originally started a civil right investigation but were advised by the Department that we did not have a basis for that and that we should close our investigation and rely upon what should be developed by the Immigration and Naturalization Service, which was looking into it. We've also conducted some internal inquiries as a result of some of the news reports, particularly an article by Mr. Anthony Lewis, that referred to mistreatment of a woman. I think her name is Vitar; it's close to that, Vitar. We do not believe—we know that no agent of the FBI participated in it. We do not have any evidence of any others. Mr. Nelson is looking for any that he can find, and the attorney for the woman has not made her available for us to interview, so that we can do anything further about it. But if there is any way for us to put that to rest, I certainly want to do so.

Senator CRANSTON. What was the reason for the arrests being made for deportation purposes of the alleged members? Was that a technical, legal reason,

were they apprehended for deportation because they were "members of a Communist" organization.

Judge WEBSTER. Senator Cranston, I believe that some of them were out of status and that would be information, I believe, developed by the INS. But all of them were arrested because they are alleged to be members of a world-wide Communist organization, which under the McCarron Act, makes them eligible for deportation as foreign nationals.

Senator CRANSTON. So in a way, it was like arresting a gangster for parking by a fire hydrant? Do you think that we need to revise the laws that are available for this purpose? Are we using the wrong tools to address a legitimate concern about terrorism and terrorist operatives in the United States?

Judge WEBSTER. That's entirely up to Congress, because in this particular case if these individuals had been United States citizens, there would not have been a basis for their arrest.

Senator CRANSTON. Is there any law that would enable you to focus more narrowly on aliens who are actively involved in clandestine terrorist activities, rather than needing this broader law about membership in a Communist apparatus? In your opinion, would it be helpful to have a law that would be more precise?

Judge WEBSTER. I think it would be helpful to have a law that was more precise, and was treated as a more serious incident than just civil deportation.

Senator CRANSTON. Under what circumstances does the FBI conduct warrantless searches for intelligence purposes? Is the PFLP * * *

* * * * *

DECLARATION OF ELIZABETH A. HACKER

I, Elizabeth A. Hacker, declare:

1. I am currently employed as an immigration judge in the Executive Office of Immigration Review, U.S. Department of Justice, in Detroit, Michigan. I have held that position since July 1995. Prior to becoming an immigration judge, I had been District Counsel for the Immigration and Naturalization Service ("INS") in Detroit, Michigan. In November 1986, I was appointed District Counsel in Los Angeles, California. Prior to that appointment, I had been Acting District Counsel for several months. As District Counsel, I was the chief legal officer for the INS in the Los Angeles area.

2. In approximately the summer of 1986, INS Special Agent Arthur Gappert introduced me to FBI Special Agent Frank Knight. At that point in time, a naturalization application from plaintiff Khader Musa Hamide was pending before the INS. Special Agents Knight and Gappert advised me that Hamide was the subject of a counter terrorism investigation as a result of his activities on behalf of the Popular Front for the Liberation of Palestine (PFLP). They advised me that the investigation had found that Hamide was the leader of the PFLP in the Los Angeles area and had been involved in, *inter alia*, organizing fundraising events at which money was being raised to support terrorist activities, and distributing PFLP publications. Special Agent Knight informed me that an exclusion case involving the PFLP had been previously tried in the Los Angeles District of INS by the former district counsel, Michael Creppy. Special Agent Knight informed me that the PFLP had

been the subject of investigation by the FBI and INS in Los Angeles.

3. I met with Special Agents Knight and Gappert several times during 1986 concerning the details of their investigation. I advised Special Agent Knight that he should prepare a comprehensive report detailing the unclassified information on the activities of Hamide and the PFLP in the Los Angeles area.

4. Upon reviewing the details of the investigation, it was determined that several other aliens were actively involved with Hamide in PFLP activities in the Southern California area. Seven other individuals were determined to have been heavily involved in fundraising and other PFLP activities under Hamide. I concluded that these eight individuals had committed deportable offenses under the Immigration and Nationality Act. In addition, it appeared that several of the aliens had either failed to comply with the terms and conditions of their non-immigrant status or were otherwise out of lawful immigration status.

5. I made the tactical decision to have the initial Orders to Show Cause against plaintiffs include deportation charges under 8 U.S.C. § 1251(a)(6), which then mandated the deportation of aliens who were members or affiliates of organizations which published materials advocating world communism, as well as, the status charges. Although I was aware of additional evidence that would support other charges, I believed that the status charges and the charges under 8 U.S.C. § 1251(a)(6) would be established.

6. I took the foregoing actions pursuant to legislative mandates in the Immigration and Nationality Act and my responsibilities as INS District Counsel. I received no instructions, tacit or express, from any INS, FBI or Department of Justice Official to place

these plaintiffs in deportation proceedings, undertake enforcement actions targeting PFLP members, or to ignore similar immigration violations by aliens affiliated with the Nicaraguan Contras, Anti-Castro Cuban organizations, Afghan Mujahedin, RENAMO, or Vietnamese Montragnards. Moreover, I had no knowledge of the so-called "Contingency Plan" otherwise referred to in this litigation until that plan was mentioned by plaintiffs subsequent to the issuance of the orders to show cause. Nor was I aware of any investigation of any of the aforementioned groups or any individual aliens associated with such group or organization.

7. I have reviewed the February 2, 1995, Declaration of Ernest Gustafson that was previously filed in this matter. I have no knowledge of the pressures that he alleges therein to have been brought on INS Los Angeles by FBI officials with respect to plaintiffs. I do not recall any participation by Gustafson in the initial decision to place plaintiffs in deportation proceedings, as the initial orders to show cause were signed by the Acting District Director for Investigations, Gilbert Reeves. Moreover, Gustafson's assertion that routine immigration status violations were not then prosecuted in the Los Angeles office is incorrect. During that time that I was assigned to the Los Angeles District, it was not unusual for cases involving status violations or other "routine" violations to be prosecuted before the immigration court.

Pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the foregoing is true and correct.

/s/ ELIZABETH A. HACKER
ELIZABETH A. HACKER
United States Immigration
Judge

DECLARATION OF PHYLLIS BENNIS

I, Phyllis Bennis, declare as follows:

1. I am a private investigator licensed by the State of California. My license number is AQ-6532. I first received my license in August, 1976. I have been retained as an investigator by counsel for plaintiffs in this case.

2. On April 23, 1987, I attended a press conference by Immigration and Naturalization Services (INS) District Counsel William Odencrantz at the INS facility in Terminal Island. The press conference concerned the deportation proceedings against the accused plaintiffs in this case, and the INS's changes in the charges.

3. Mr. Odencrantz stated that the INS was seeking to deport all eight accused plaintiffs because "It is our belief that they are members of PLFP [sic], indeed meaningful members of the PFLP, subscribing to its tenets and beliefs. . . . That is true of all eight."

4. He stated further, "[Y]ou are all aware of the PLFP [sic]. You are all aware of the acts of violence which have been attributed, indeed accepted by the PLFP [sic] worldwide. And there is nothing that happens any place else that couldn't happen here. . . . The federal government of the United States regards them as threats, the PLFP [sic] and its members as being a potential danger to the welfare and well-being and public interest of the United States, and their removal from the United States is something we seek to achieve."

5. Mr. Odencrantz also explained that the decision to dismiss charges brought under the ideological exclusion provisions of the McCarran-Walter Act against six of the eight was a tactical decision

designed to expedite their removal from the country. He stated: ". . . Our changing of the charges was solely based upon tactical considerations as to how we can best, most efficiently, most economically and most quickly conclude the deportation proceedings with an order of deportability . . . the only concern we have is the ultimate result. . . . It is a question, for example, in a football analogy of you want a touchdown, but you don't care if you score it running or by passing."

I, Phyllis Bennis, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: October 16, 1989

/s/

PHYLLIS BENNIS*

Read and approved but not signed.
Signed copy will be filed shortly.

DECLARATION OF MARC VAN DER HOUT

I, Marc Van Der Hout, do hereby declare and state:

1. I am co-counsel for respondents *In the Matter of Hamide, et al.*, File Number A19 262 560, et al., currently pending before the Executive Office for Immigration Review, Los Angeles, California, and co-counsel for plaintiffs in this case.

2. Deportation hearings for some of the plaintiffs in this case have been conducted before the Executive Office for Immigration Review in Los Angeles. In at least two of the cases, the chief investigator for the Immigration and Naturalization Service, James Moser, testified that in the fall of 1986 he was asked by the Federal Bureau of Investigation to investigate the status of the plaintiffs in this case to see whether they were "amenable to deportation."

3. On May 3, 1989 in the case of Amjad Obeid, Investigator Moser testified that he was asked by the FBI in October 1986 to see whether Mr. Obeid was "amenable to deportation." The Federal Bureau of Investigation had previously investigated Mr. Obeid and concluded that he had committed no crimes in the United States.

4. Also in May, 1989 in the case of Bashar Amer, Investigator Moser testified that he was requested by "another agency" to see if Mr. Amer was "amenable" to deportation. The Federal Bureau of Investigation had also previously investigated Mr. Amer and concluded that he also had committed no crimes in the United States.

5. Later in the case of Mr. Amer, INS Investigator Lester Melville testified for the INS as an expert on student visas. Mr. Melville testified that he been employed by the Immigration and Naturalization

Service since approximately 1975 and had been a student visa expert in the Los Angeles area since 1983. On cross examination Mr. Melville testified that he reviewed the cases of students against whom the Immigration and Naturalization Service was considering whether to issue orders to show cause. He testified that in his entire history with the Immigration and Naturalization Service he was not aware of a single other case, besides Mr. Amer's, where the INS had instituted deportation proceedings against a student for taking too few credits.

6. Attached to this declaration are two declarations which were submitted to the Immigration Court in Los Angeles in May 1987 in the related deportation proceedings of the individual plaintiffs in this case. The declarations are of William Turner, former agent with the Criminal Investigation Unit and the Counter Espionage Unit of the FBI and Wayne Smith, a former Secretary of Political Affairs for the Department of State who also served as Director of Cuban Affairs and Chief of the U.S. Interests Section in Cuba. The declarations state that the United States government actively assisted aliens in this country from Cuba who advocated, and practiced, the unlawful destruction of property and assault on government officials and who were never subjected to deportation or exclusion by the United States government.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief. Executed this 9th day of November at San Francisco, California.

/s/ MARC VAN DER HOUT
 MARC VAN DER HOUT
 Declarant

DECLARATION OF IBRAHIM ABU-LUGHOD

I, Ibrahim Abu-Lughod, hereby declare the following:

1. I am a professor of Political Science at Northwestern University, Evanston, Illinois. I have written numerous books and articles and taught numerous classes relating to the politics of the Middle East, including Palestinian nationalism and the Palestine Liberation Organization. My book, *The Transformation of Palestine* (first published in 1971), is regarded as a seminal work on the political transformation of Palestine and its dismemberment in 1948. I have attached my curriculum vita.

2. I am a member of the Palestine National Council, the legislative, and highest branch, of the Palestinian state. I regularly attend meetings of the PNC that include representatives of all the constituent organizations of the PLO, including the Popular Front for the Liberation of Palestine (PFLP).

3. I am very familiar with the structure of the Palestine Liberation Organization (PLO), and with the Popular Front for the Liberation of Palestine, including their relationship to each other, and the array of organizations and institutions affiliated with both the PLO and the PFLP. The purpose of this declaration is to set forth the range of activities engaged in by the PFLP.

HEALTH INSTITUTIONS

4. The PFLP has a Social Welfare Department which includes a network of hospitals, clinics, ambulance services, and mobile clinics. These institutions serve Palestinians in refugee camps and in cities throughout the Arab world; their organizational

centers are in Damascus, Syria and Beirut, Lebanon. They serve Palestinians, whether or not they are members of the PFLP, as well as Lebanese, Syrians and other local residents for free or very low cost.

5. The PFLP provides scholarships and living expenses for many Palestinians to study at medical schools abroad, in countries in the Arab world, Latin America, the Soviet Union, Europe and elsewhere.

6. The PFLP provides full health and medical care for its own members; their families; the families of members killed or wounded; and the families of anyone killed or injured while engaged in actions under PFLP sponsorship.

CULTURAL ACTIVITIES

7. The PFLP runs a network of social clubs in refugee camps throughout Lebanon and Syria. They provide activities including music, sports, literacy programs, dances, and other programs for Palestinian residents of the camps, including PFLP members and non-members.

8. The Al-Ard music group is sponsored by the PFLP. It performs throughout the Arab world, including the Gulf states, Algeria, Lebanon, Syria and elsewhere, with a professional program of singing and dancing. It is financially and officially supported by the PFLP.

9. The Al-Ard group has trained numerous local music groups in refugee camps across the Arab world, who perform at local events.

10. The PFLP weekly Arabic magazine, Al-Hadaf, runs periodic contests with prizes based on cultural history, biographical information of leading cultural workers, etc.

11. The Ghassan Kanafani Cultural Foundation (Foundation) was initiated by the widow of Ghassan Kanafani, Annie Kanafani. Ghassan Kanafani was a noted short story writer and novelist, who carried out his cultural work as a member of the Politburo of the PFLP. He was the founder and chief editor of Al-Hadaf weekly magazine. All of Kanafani's writings, including his novels, poetry and children's stories, were produced under the sponsorship of the PFLP, and his salary was paid by the PFLP. His short stories and novels have been translated into a number of languages and are sold and distributed around the world, including in the U.S. The PFLP published much of his work. Kanafani was assassinated in Beirut in 1972.

12. Annie Kanafani began the Foundation at the suggestion of the leadership of the PFLP, and the organization continues to take responsibility for supporting the Foundation, including providing financial and political support.

13. Because Ghassan Kanafani wrote many of his books for and about children, the work of the Foundation is aimed at continuing his work by assisting Palestinian children. The Foundation is based in Beirut, and was one of the few Palestinian institutions to survive after the Israeli invasion of 1982. It runs several orphanages, children's centers and summer camps in Lebanon and elsewhere in the Arab world. Many of the children at the orphanages and children's centers are from Palestinian refugee camps whose parents have been killed. Numerous members of the PFLP are assigned to work in the orphanages and children's centers, and their salaries are paid by the PFLP. Funding for the Foundation comes from numerous charitable organizations in

Europe, the United States, and the Middle East, as well as from the PFLP itself.

14. The Information Department of the PFLP includes the Al-Hadaf Publishing House and the Art Department. The Publishing House publishes and distributes the weekly Arabic Al-Hadaf magazine, and the English monthly Democratic Palestine. Both are widely distributed in the U.S. For example, the Chicago Public Library's "The Palestinian/Israeli Conflict: A Select Bibliography" includes "Democratic Palestine, monthly magazine of the Popular Front for the Liberation of Palestine (PFLP), Damascus" as one of the "Periodical Sources . . . available in the periodical section of the Social Sciences and History Division."

15. Both Al-Hadaf and Democratic Palestine regularly include feature articles on Palestinian culture, art, poetry, etc. For example, Democratic Palestine (July 1987) includes (page 34) an article on "Poets of the Resistance," including poems from poets Samih Al-Qasem, Tawfig Zayyad, and Mahmoud Darwish. None of these poets is a member of the PFLP. In the previous issue (May 1987), there is a feature on the Arab cultural movement inside Israel. In June 1986, Democratic Palestine included a paper by Salem Jubran presented at a Greek cultural conference on "The Culture of Resistance"; Jubran is not a member of the PFLP, is a citizen of and lives in Israel. The April 1987 issue of Democratic Palestine includes a profile of Fathi Gaben, a Palestinian painter living in Jabalia refugee camp in the Gaza Strip. And Democratic Palestine of September 1988 features an article on "Songs of the Uprising," including some works by Israeli Jewish singers.

16. The Al-Hadaf Publishing House also publishes occasional books and pamphlets. For example, in 1979 it published *A History of the International Labor Movement*. In 1983, it published *Women in Palestinian Popular Culture*, by Abed Al-Zirai. That book went to a second printing in 1986.

17. The Art Department branch of the Information Department prints and distributes posters to Palestinians throughout the world. Some are commissioned to commemorate specific Palestinian holidays or nationalist events, while others reflect cultural themes. Posters are given to any interested Palestinians, whether members or non-members of the PFLP.

18. The PFLP also commissions paintings in cultural centers and elsewhere. The organization supports a number of its members to work as artists. Their paintings are displayed in exhibits sponsored by the PLO and the PFLP.

19. The periodicals of the PFLP consistently reflect a concern for and interest in making art widely accessible. A recent issue of Al-Hadaf (October 15, 1989) highlighted an exhibition honoring the anniversary of the killings of Palestinians in the Lebanese refugee camps of Sabra and Shatila in 1982. Another issue (October 1, 1989) spotlighted a Palestinian art exhibition in the Philippines, under official Filipino government patronage. It was held in the Philippines Foreign Ministry Hall, and was attended by the diplomatic corps and representatives of the Filipino leadership. The October 2, 1988 issue focused on Latin American artists whose posters include Palestinian themes.

EDUCATIONAL WORK

20. The PFLP runs a network of kindergartens and nurseries in refugee camps throughout the Arab world. One of them, for example, is called the Shadiah Abu Ghazaleh Day Care Center, located in Yarmouk refugee camp, outside of Damascus. These centers are under the responsibility of the Women's Section of the organization.

21. In Kuwait, the PFLP is part of a PLO consortium of full education institutions that provide basic education for Palestinian students from pre-school through high school levels.

22. The PFLP funds numerous students in advanced education. They are provided with scholarships and living expenses to study at colleges and universities throughout the world. These include members and non-members of the PFLP.

23. PFLP members and supporters are active in the Teachers Union and the General Union of Palestine Students, which has branches throughout the world. In those organizations, they support the broad-based work of the unions while reflecting their own political views as well.

DIPLOMATIC ACTIVITIES

24. The PFLP supports and is responsible to the broader diplomatic work of the PLO as a whole. For example, in 1986-87, the head of the Office of Palestinian Affairs in Lebanon, responsible for all activities involving the large Palestinian population in that country, was Salah Salah, a member of the Politburo of the PFLP.

25. In addition, the PFLP maintains its own diplomatic liason offices in a number of countries in the Middle East, Africa, Asia and Latin America.

ECONOMIC ACTIVITIES

26. The PFLP is a part of SAMED, a consortium of PLO economic institutions designed to further Palestinian economic self-sufficiency.

27. It also runs a network of women's workshops which teach women traditional embroidery, then help them to produce and market the product. It is aimed at women in the refugee camps, to provide them with basic skills to earn a living.

SOCIAL AND SOCIAL WELFARE ACTIVITIES

28. The Department of Martyrs is responsible for keeping records and caring for families of PFLP members and supporters killed or wounded. It provides monthly living stipends to the families, full health care, and full education costs for all children. This includes families of PFLP members or others killed in actions sponsored by the PFLP.

29. The Women's Department of the PFLP works as part of the General Union of Palestinian Women. It also has separate organizational existence, with projects in the refugee camps especially of Lebanon and Syria. Those projects include political and social development, literacy campaigns, and economic self-help projects.

30. The PFLP is active in the broader Palestinian trade union movement. Its members participate in the work of virtually all of the numerous separate trade unions, as well as the broader General Federation of Palestinian Trade Unions that involve all parts of the PLO.

PFLP AND THE PLO

31. The PFLP was founded in late 1967, following the Israeli occupation of the West Bank, Gaza and the Golan Heights. That war, and the resulting occupation, fundamentally changed the political landscape on which Palestinian nationalism was rooted.

32. The PFLP should not be confused with the Popular Front for the Liberation of Palestine, General Command. The latter is a distinct organization, not affiliated with the PFLP, and explicitly opposed to the PLO's renunciation of terrorism. The PFLP has accepted the PLO's renunciation of terrorism.

33. The specific development of the PFLP reflects one of the numerous alternative views that rose to contend with and simultaneously work with the more mainstream wing of the PLO, Fatah. Its development is linked to the earlier history of the Arab National Movement, and its origins reflect that nationalist orientation.

34. Like other sectors of the Palestinian nationalist movement, the PFLP from its beginning included political, diplomatic, cultural, economic and social activities in its strategic conception of how to regain Palestinian independence.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Evanston, Illinois, this day of November 1989.

/s/ IBRAHIM ABU-LUGHOD
IBRAHIM ABU-LUGHOD, PHD.

DECLARATION OF KHADER M. HAMIDE
(March 5, 1993)

DECLARATION OF KHADER M. HAMIDE

I, KHADER M. HAMIDE, do declare as follows:

1. I am a lawful permanent resident of the United States. I have personal knowledge of the within stated facts and if called to testify as a witness could and would competently do so.

2. I am a plaintiff in the above-captioned case. I and the other seven individual plaintiffs are also the targets of ongoing deportation proceedings.

3. Prior to the instigation of deportation proceedings against me in January 1987, I was actively involved in several Los Angeles-area associations, including the 1984 Rainbow Coalition for Rev. Jesse Jackson's presidential campaign; cultural and informational events sponsored by the Arab-American Anti-Discrimination Committee; and an Arab-American group working to secure Arab-Americans a voice in the electoral process. The other individual plaintiffs were also active in the Arab-American community, associating with groups that advocated for various political and social causes.

4. When we were arrested, we were charged with associating with the Popular Front for the Liberation of Palestine (PFLP), which the Immigration and Naturalization Service (INS) contended advocated the "doctrines of world communism." When we challenged the constitutionality of those charges, the INS substituted charges of associating with a group that advocates the "destruction of property" against Mr. Shehedah and me, and technical visa violations against the other six. Even then, an INS official

stated the reason the INS wanted to deport us was because of our alleged PFLP affiliations. Mr. Shehedah and I were subsequently charged with providing material support to an organization that has committed "terrorist acts."

5. The Government has admitted we are being prosecuted because of our alleged PFLP affiliations. For six years now, the threat of deportation based on the Government bias against us has made us afraid and unable to associate freely or speak freely on any topics that even remotely involve politics or economics, despite our belief that it is our constitutional right to do so.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 5th day of March, 1993, at Los Angeles, California.

/s/ KHADER M. HAMID
KHADER M. HAMID

DECLARATION OF ERNEST GUSTAFSON
(April 21, 1989)

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Civil No. 87-02107

AMERICAN-ARAB ANTI-DISCRIMINATION
COMMITTEE, ET AL.,
PLAINTIFFS

v.

EDWIN MEESE, III, ET AL.,
DEFENDANTS.

JOHN R. BOLTON
Assistant Attorney General

ROBERT C. BONNER
United States Attorney
FREDERICK M. BROSIO, JR.
CAROLYN M. REYNOLDS
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LAURI STEVEN FILPPU

Deputy Director

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U.S. Department of Justice

Post Office Box 878

Ben Franklin Station

Washington, D.C. 20044

(202) 272-4364

Attorneys for Defendants

DECLARATION OF ERNEST GUSTAFSON

1. I am the District Director of the Los Angeles District Office of the United States Immigration and Naturalization Service. I have held this position continuously since September 6, 1993. Prior to assuming this position, I had previously served as District Director of the Phoenix District Office of INS from 1982 to 1983. In my position as district director, among other responsibilities, I am responsible, pursuant to 8 U.S.C. {1252(a) and 8 CFR { 242.1(a), for the decisions in the Los Angeles district office to issue orders to show cause against aliens who appear to be deportable under the deportation provisions of Section 241 of the Immigration and Nationality Act of 1952, 8 U.S.C. { 1251(a).

2. Pursuant to that responsibility, in May, 1987, I signed orders to show cause against the eight individual plaintiffs named in this lawsuit. I took this action based upon a review with my subordinates of the record evidence developed by INS investigators who were assigned to the eight cases.

3. In early 1984, I became aware that federal and local law enforcement authorities had formed a task force to discuss and plan security preparations for the Summer Olympic Games to be held in Los Angeles later that year. On behalf of the INS, a team of investigators was assigned by the assistant district director for investigations to sit on the task force. As the Olympics approached, these investigators manned desks at the Federal Bureau of Investigation's Los Angeles headquarters building. The INS investiga-

tors assisted the task force and FBI agents in particular in terrorism investigations and related matters.

4. One of the task force's initial objectives was to identify all known terrorist group which it concluded had the capability or inclination to commit a terrorist act at the Olympic Games against either participants or spectators. Thereafter, the task force assessed each terrorist group's effective presence and leadership in the United States and, in particular, in the Los Angeles area.

5. The task force identified the Popular Front for the Liberation of Palestine ("PFLP") as one of the designated terrorist groups. The task force additionally concluded that the PFLP had a substantial organization in the Los Angeles area, and should be targeted as constituting a potential threat.

6. Following the Olympics, the INS investigators ended their full time assignments to the FBI. They continued to assist the FBI in terrorism related matters, based on the INS's related enforcement jurisdiction.

7. Based on information developed by the task force and the FBI, in March 1985, one of the INS investigators opened an investigation on plaintiff Hamide.

8. In late January 1985, the investigator's review of plaintiff Hamide's files revealed that he had a pending naturalization petition. The processing of his naturalization petition was then halted in light of evidence that indicated that Hamide might be ineligible for naturalization.

9. In February 1985, my District Legal Counsel, INS central office officials, and FBI officials met in Washington to discuss the general possibility of

bringing deportation charges against alien members of terrorist groups.

10. In November 1985, the FBI requested that I assign two investigators to an continuing investigation of international terrorism in general. A further INS-FBI investigation of the PFLP and of plaintiff Hamide led the investigation team to the identification of the other seven named plaintiffs. Upon a review of the INS administrative records, the investigators concluded that each of the named plaintiffs were aliens, and that each was potentially deportable under various provisions of the Immigration and Nationality Act.

11. In September 1986, Hamide's attorney contacted the INS District Counsel to inquire about the status of Hamide's naturalization petition. One month later, the district counsel called Hamide's attorney to arrange an interview of Hamide.

12. Following the interview and because of the urgings of Hamide's attorney that INS continue to process the naturalization petition, INS staff attorneys began to consider deportation proceedings against Hamide and the other named plaintiffs.

13. In January 1987, the INS investigative staff drafted orders to show cause that were reviewed by the legal staff. An acting assistant district director for investigations signed these orders.

14. In May 1987, I reviewed superseding orders to show cause that were drafted by my staff attorneys, who explained that the January orders should be amended. To resolve any questions concerning the signature authority in this case, and since the deputy district director position and the assistant district director for investigations position were vacant on that date, I signed the superseding orders to show

cause based on a review of the pertinent files with my subordinates, and based on the aliens' apparent violations of the immigration laws that were revealed by that review.

15. At the time that I signed the May orders to show cause, I had neither seen nor had any knowledge whatsoever of the so-called "Alien Border Control Committee Contingency Plan." I still am not aware of the plan.

16. The investigation which resulted in the issuance of the orders was *not* initiated for the purpose of instituting deportation proceedings against any aliens. To the best of my knowledge, the task force was created for the sole purpose of protecting the public and this country's foreign guests at the 1984 Summer Olympics.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ ERNEST E. GUSTAFSON
ERNEST E. GUSTAFSON

Date: April 21, 1989

DECLARATION OF ERNEST GUSTAFSON
(February 2, 1995)

DECLARATION OF ERNEST GUSTAFSON

I, Ernest Gustafson, declare as follows:

1. I worked for the United States Immigration and Naturalization Service from 1962 to September 1989. I was the District Director of the Los Angeles District Office of the United States Immigration and Naturalization Service from September 1983 to September 1989, when I retired from the INS.

2. As District Director, in May 1987 I signed new orders to show cause against the eight individual plaintiffs in this lawsuit. (Previous orders to show cause, issued in January 1987, had been signed by acting assistant district director Gilbert Reeves, but the May 1987 orders superseded the initial orders to show cause.) From very early on in this case, it was clear that the case was not an ordinary immigration case, and the decisions as to whether to seek deportation and what to charge the plaintiffs with were apparently made in Washington by FBI and Justice Department officials.

3. Based upon my years of experience as an INS District Director and my involvement with this case, it is my opinion that the eight individual plaintiffs were singled out for deportation because of their alleged political affiliations with the Popular Front for the Liberation of Palestine. Had it not been for those affiliations, the INS and the FBI probably would not have sought to deport these individuals.

4. Two of the eight individual plaintiffs are permanent resident aliens, and there was no ground for their deportation other than their political affiliations

and activities. The other six individuals are not permanent residents, and in the May 1987 orders to show cause they were charged with taking too few credits as a student, working without authorization, and overstaying a visa. Because of other prosecutorial priorities and scarce resources, the Los Angeles INS office generally did not seek to investigate or deport aliens with such violations unless there was some further reason for doing so. In fact, I cannot recall a single other instance during my tenure in which our office issued an order to show cause for taking too few credits as a student. In this case, the reason our office devoted such resources and took such steps to deport these individuals is because of their alleged affiliation with the PFLP. In doing so, we were acting at the behest of the FBI, which concluded after investigating plaintiffs that it had no basis for prosecuting plaintiffs criminally, and urged the INS to seek their deportation.

5. One indication of the strained relations between the FBI and the INS regarding this case is an incident from September 1987, in which the FBI sent, with no clear authority, eight agents to my office with the goal of removing from my office safe the files in this case. I objected to this action as improper, and refused to allow the FBI agents to enter. In fact, I had already returned the files to Washington, because the case was being prosecuted by Washington attorneys.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: February 2, 1995

/s/ ERNEST GUSTAFSON
ERNEST GUSTAFSON

DECLARATION OF KARINA DIMIDJIAN
(November 11, 1994)

DECLARATION OF KARINA DIMIDJIAN

I, Karina Dimidjian, declare as follows:

1. I am a second-year law student at the Georgetown University Law Center in Washington, D.C. I am working as a research assistant for David Cole, and am assisting him in *American-Arab Anti-Discrimination v. Reno*.

2. I supervised the analysis of the asylum files, which was conducted by myself and several other law students. I first analyzed the allegations made in the asylum applications to determine whether the alien fell within the Court's definition of the control group as aliens who have "committed passive, nonideological violations of the immigration laws and with regard to whom the government was aware of their support of or affiliation with terrorist groups within the control group." Jan. 11, 1994 Order Regarding Discovery in Selection Prosecution Claim and Granting Injunction Against Further Deposition Proceedings at 9. I included in the control group any alien who claimed to be a member or material supporter of any of the relevant terrorist groups.

3. According to my analysis, the INS disclosed 227 files, of which only 65 files involved aliens who fulfill the criteria for membership in the control group. As noted in Appendix 1, all the files involved either Nicaraguans or Afghanastanis.

4. Of the remaining 163 aliens, 103 of them do not fit into the control group because they applied merely as family members of the principal applicant and have made no additional allegations about their own activities independent of their relatives. These files

were attached to the principal applicant's file in the original INS files, and were presumably included in the disclosure for that reason. Where a family member offered independent allegations concerning his or her activities, I treated the file as an independent file. Appendix 1 attached hereto identifies by immigration file number those files which contain independent allegations, and those files which were merely included because they concerned family members applying as relatives.

5. The remaining 59 aliens are not classified as members of the control group because they did not claim to be members or material supporters of either the Contras or the Mujahedin. Rather, these 59 aliens based their request for asylum upon various different reasons, including having a family member who was a Contra or Mujahedin, having past affiliations with the Somoza regime or the Nationalist Liberal Party, belonging to a religious organization such as the Jehovah's Witnesses or the Apostolic Church in Faith of Christ, belonging to a private sector organization such as Nicaraguan Free Enterprise (FUNDE), having political views which contradicted the ruling government's views, or a combination of these reasons. In Appendix 2, I have briefly indicated why the allegations of these 59 aliens do not satisfy the control group criterion.

6. Of the 65 aliens who are classified as members of the control group, the INS issued orders to show cause against only six. The INS found not credible two of these six aliens' claims of membership in a terrorist organization. The INS declares, in its Notice of Intent to Deny, that A23 729 725's claim of membership in an anti-communist group is not credible. In addition, the INS declares in its December 17,

1992 letter denying asylum that A28 681 594's testimony is not credible.

7. Of the other four, the INS issued the order to show cause for A27 520 940 on February 14, 1994, for A12 918 435 on May 2, 1994, for A28 739 465 on March 28, 1994 and for A28 821 745 on July 23, 1993.

8. Of the remaining 59 members of the control group, the INS granted asylum to 4, denied asylum to 6 without issuing an order to show cause, terminated 3 applications for the alien's failure to proceed with them, and stopped processing 45 without issuing a final denial of asylum or an order to show cause. One application was withdrawn.

9. Of the 45 applications which were stopped in process, one was last acted upon in 1987, 2 in 1988, 17 in 1989, 19, in 1990, 3 in 1991 and 3 in 1993. In Appendix 3, I have summarized the information in paragraphs 6-9 and have included a brief analysis of each file in the control group by immigration file number and category of treatment.

10. None of the files disclosed involved aliens who had entered the country before 1982.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

/s/ KARINA DIMIDJIAN
KARINA DIMIDJIAN

Date: 11/11/94

APPENDIX 1 TO DIMIDJIAN DECLARATION

APPENDIX ONE

The files in this Appendix are categorized by the nationality of the alien as well as by whether the alien satisfies the criterion of the control group. The files which are listed with a letter and a number are the principal files in which the alien presented independent allegations concerning his or her activities. The files listed with only a number are the secondary family applications which do not include any new information or independent allegations but rather depend solely on the individual's familial relationship to the principal asylum applicant.

Nicaraguans: 222

1. Control Group: 119

A.	1.	A27 920 642
	2.	A27 920 643
	3.	A27 920 644
	4.	A27 920 645
B.	5.	A28 821 745
	6.	A28 821 735
C.	7.	A28 342 127
D.	8.	A28 560 456
E.	9.	A28 565 839
F.	10.	A28 633 322
G.	11.	A28 821 729
H.	12.	A23 727 457
	13.	A23 727 459
	14.	A23 727 461
I.	15.	A28 630 548
J.	16.	A28 653 304

K.	17.	A28 306 080
	18.	A27 634 699
	19.	A27 633 150
	20.	A28 306 082
	21.	A28 306 083
L.	22.	A12 918 435
	23.	A28 713 242
	24.	A28 713 244
M.	25.	A23 729 725
	26.	A23 729 727
N.	27.	A28 739 465
	28.	A28 739 466
	29.	A28 739 467
	30.	A28 739 468
O.	31.	A28 681 594
P.	32.	A27 636 004
Q.	33.	A28 685 839
	34.	A28 680 406
	35.	A28 679 722
	36.	(not listed on original)
	37.	A27 962 033
	38.	A27 962 034
	39.	T28 319 653
S.	40.	A27 723 985
	41.	A27 651 752
	42.	A27 651 751
T.	43.	A26 677 081
	44.	A26 677 082
	45.	A26 602 357
U.	46.	A26 049 753
V.	47.	A28 874 664
	48.	A29 585 938
	49.	A29 585 940
	50.	A29 585 941
	51.	A29 585 942

	52.	A29 585 943
	53.	A28 868 789
W.	54.	A28 625 752
X.	55.	A28 653 688
Y.	56.	A28 670 979
Z.	57.	A28 675 932
	58.	A29 343 731
AA.	59.	A28 676 015
BB.	60.	A28 679 742
CC.	61.	A28 565 655
DD.	62.	A28 565 749
	63.	A28 565 755
	64.	A28 565 752
	65.	A28 565 754
	66.	A28 565 750
	67.	A28 565 753
	68.	A28 557 775
	69.	A28 557 776
FF.	70.	A28 850 176
GG.	71.	A28 742 043
HH.	72.	A26 070 382
II.	73.	A26 044 948
	74.	A26 044 956
JJ.	75.	A28 650 143
KK.	76.	A28 625 560
	77.	A28 625 563
LL.	78.	A28 666 511
MM.	79.	A28 667 022
NN.	80.	A28 675 788
OO.	81.	A28 688 484
	82.	A28 688 485
	83.	A28 688 486
	84.	A28 688 487
PP.	85.	A28 950 597
QQ.	86.	A28 953 646

RR.	87.	A28 687 588
SS.	88.	A23 727 037
	89.	A23 727 039
	90.	A23 728 290
	91.	A23 728 292
TT.	92.	A28 558 171
UU.	93.	A28 565 631
VV.	94.	A28 291 282
WW.	95.	A27 719 134
XX.	96.	A28 679 418
YY.	97.	A28 687 752
	98.	A28 687 753
	99.	A28 687 754
	100.	A28 687 755
ZZ.	101.	A28 866 363
AAA.	102.	A28 643 381
	103.	A28 566 014
	104.	A28 566 016
	105.	A28 556 015
BBB.	106.	A28 687 889
	107.	A28 687 890
	108.	A28 687 837
CCC.	109.	A28 688 614
DDD.	110.	A28 634 360
EEE.	111.	A28 649 327
	112.	A28 649 326
FFF.	113.	A28 564 579
	114.	A28 564 580
	115.	A28 564 581
GGG.	116.	A28 643 385
HHH.	117.	A26 671 833
III.	118.	A28 687 848
	119.	A28 687 849

2. Non-Control Group.: 103

A.	1.	A28 342 126
B.	2.	A28 344 059
C.	3.	A28 344 062
D.	4.	A28 344 065
E.	5.	A28 565 575
F.	6.	A28 344 067
G.	7.	A28 311 931
	8.	A28 311 932
H.	9.	A28 548 597
	10.	A28 548 596
	11.	A28 548 599
	12.	A28 548 598
I.	13.	A28 565 776
J.	14.	A28 865 570
	15.	A28 865 571
K.	16.	A28 565 924
L.	17.	A23 728 356
M.	18.	A27 234 199
N.	19.	A28 785 033
	20.	A28 785 034
	21.	A28 785 035
	22.	A28 785 036
	23.	A28 787 034
	24.	A28 785 038
O.	25.	A28 632 840
P.	26.	A28 644 922
	27.	A27 962 936
	28.	A27 962 937
	29.	A27 962 938
Q.	30.	A29 592 271
	31.	A29 592 272
	32.	A29 964 093
R.	33.	A28 344 061
	34.	A28 344 060

S.	35.	A28 344 077
T.	36.	A72 515 238
U.	37.	A72 515 239
V.	38.	A26 045 369
W.	39.	A28 676 515
X.	40.	A28 676 522
Y.	41.	A26 270 189
Z.	42.	A27 540 470
AA.	43.	A27 540 471
BB.	44.	A28 733 468
	45.	A28 813 101
	46.	A72 514 362
	47.	A72 514 361
	48.	A72 514 363
CC.	49.	A28 784 466
DD.	50.	A28 874 572
	51.	A28 874 573
EE.	52.	A28 877 041
	53.	A27 723 985
FF.	54.	A28 351 312
GG.	55.	A28 635 086
	56.	A29 594 478
	57.	A29 594 479
HH.	58.	A28 666 673
	59.	A28 666 674
	60.	A28 688 573
	61.	A28 687 951
	62.	A28 688 574
	63.	A28 688 575
II.	64.	A28 667 185
JJ.	65.	A28 669 653
	66.	A28 669 657
	67.	A28 669 655
	68.	A28 669 658
	69.	A28 669 654

KK.	70.	A28 670 368
	71.	A28 670 370
	72.	A28 670 371
OO.	73.	A28 635 000
	74.	A28 635 001
PP.	75.	T27 540 469
QQ.	76.	A28 560 645
RR.	77.	A28 560 368
SS.	78.	A28 565 525
TT.	79.	A28 549 478
UU.	80.	A27 719 133
VV.	81.	A28 549 378
WW.	82.	A28 549 480
XX.	83.	A28 650 144
	84.	A28 669 913
YY.	85.	A28 646 040
	86.	A28 670 903
ZZ.	87.	A28 646 900
	88.	A28 856 775
AAA.	89.	A28 625 491
BBB.	90.	A28 667 188
CCC.	91.	A27 963 378
	92.	A27 963 379
	93.	A27 963 380
	94.	A27 540 414
DDD.	95.	A28 557 728
EEE.	96.	A28 687 303
	97.	A28 687 304
	98.	A28 687 305
FFF.	99.	A28 549 721
GGG.	100.	A28 351 313
HHH.	101.	A28 565 746
III.	102.	A26 297 254
	103.	A26 297 252

Cubans: 0

Afghanistanis: 5

1. Control Group: 4

- A. 1. A28 824 763
- B. 2. A27 520 949
- C. 3. A28 441 643
- D. 4. A27 520 876

2. Non-Control Group: 1

- A. 1. A28 441 646

APPENDIX 2 TO DIMIDJIAN DECLARATION

APPENDIX TWO: ANALYSIS OF REASONS ALIEN
FILES ARE NOT INCLUDED IN
THE CONTROL GROUP

- A. Aliens whose only claim for asylum rested upon fact that their family members were either members or provided material support to the Contras
1. A28 311 931 (attached application, A28 311 932)
: father was a member of the Nicaraguan Democratic Movement
 2. A28 577 728
: applicant's uncle was a Contra
 3. A23 728 356
: request for asylum alleges her mother was accused of helping the Contras
 4. A28 865 570 (attached application, A28 865 571)
: husband tried to defect from Sandinistas and was killed
: cousin was a pilot for the FDN
 5. A28 625 491
: cousin was a member of national guard who fought with the contras
: refused to join Sandinista Youth
 6. A28 667 188
: cousin is a Contra and was a Sandinista prisoner at time of filing request for asylum

7. A28 549 721
: claims to have ties with Palacio family who are Contras
: she worked as their housekeeper and accompanied them to the US in 1983 and 1984 not as a housekeeper but as a friend
8. A28 560 645
: stepfather was a Contra
9. A28 646 040 (attached application, A28 676 903)
: applicant's brother was accused of being a Contra
: refused to join Sandinista Farmer Syndicate
10. A28 549 478
: son was a contra fighter in Costa Rica and former member of the military during the Somoza government
11. A27 719 133
: wife of man who claims to be a member of the Nicaraguan Resistance
12. A28 877 041 (attached application, A27 723 985)
: father was head of Nicaraguan Central Workers (Central de Trabajadores de Nicaragua)
13. A28 635 086 (attached applications, A29 594 478, 479)
: refused to join Sandinista group

: husband worked undercover with the
Contras

14. A28 635 000 (attached application, A28 635 001)
: brother fights with Contras
: alien refused to join any Sandinista Organizations

15. A26 297 254 (attached application, A26 297 252)
: husband was a member of Fdn and is currently in prison for participating in counterrevolutionary activities

16. A28 315 313
: alien's nephew was a major with the Somoza Regime and fought with the Contras
: nephew's plane was shot down while fighting for Contra cause and he is now prisoner of Sandinista regime

B. Aliens whose only claim for asylum was based on membership or affiliation with the National Liberal party or the Somoza regime

1. A28 565 776
: alien was a part of the Somoza Regime
2. A28 344 067
: son of a member of the Somoza Regime
3. A27 962 936 (3 attached applications, A28 644 922, A27 962 937, 938)
: member of Liberal Party
: accused of being a go-between for the Contras

: outspoken critic of Sandinistas

4. A28 344 077
: father was a member of National Liberal Party
: brother was a member of National Guard
5. A28 676 522
: member of National Liberal Party
6. A28 733 468 (4 attached applications, A28 813 101, A72 514 361, 362, 363)
: member of Liberal Party
7. A28 667 185
: alien's father registered voters during the Somoza regime
8. A28 565 525
: member of Liberal Democratic Party
: relatives were members of Somoza government
9. A28 549 378
: alien's grandfather was a Senator during the Somoza regime
10. A28 687 303 (attached applications, A28 687 304, 305)
: member of National Liberal Party
11. A28 666 673 (attached applications, A28 666 674, A28 688 573, 951, 574, 575)

- : daughter of the leader of the National Liberal Party
- : member of Pro-Somoza Teacher's Union

C. Aliens whose only claim for asylum was based on membership in Religious Organizations

1. A28 344 059
 - : member of Apostolic Church in Faith of Christ
2. A27 243 199
 - : member of the Jehovah Witness
3. A28 344 061 (attached application, A28 344 060)
 - : member of Apostolic Church in Faith of Christ

D. No Claims of any group affiliations contained in Alien's File

1. A29 592 271 (2 attached applications, A29 592 272, A29 964 093)
 - : no claims of affiliation to any group
2. A72 515 238
 - : no claims of affiliation to any group
3. A72 515 239
 - : no claims of affiliation to any group

4. A26 270 189
 - : no claims of affiliation to any group
 - : claims he will be persecuted for religious and political reasons
 5. A27 540 570/A27 540 471
 - : no claim of affiliation to any group
 6. T27 540 469
 - : no claim of affiliation to any group
 7. A28 560 368
 - : no claim of affiliation to any group
 8. A28 565 746
 - : although there is a letter from the Nicaraguan Resistance stating that alien was a collaborator, the alien claims he was at no point a Contra and he does not know where the letter came from
 - : alien states it is possible that the letter was the result of a favor from a friend
 - : the interviewer does not believe him to have been a member of the Contras
- E. Aliens who cite membership in Private Sector Organizations as the only reason they should be granted asylum
1. A28 565 924
 - : member of Nicaraguan Business Council in Exile, Nicaraguan American Private Council, and Nicaraguan Banker's Association

F. Aliens who apply for asylum based on affiliation with National Liberal Party as well as membership in Private Sector Groups

1. A28 646 900 (attached application, A28 865 775)
 - : member of Nicaraguan Workmen Federation and National Liberal Party
2. A27 963 378 (attached applications, A27 963 379, 380, A27 540 414)
 - : member of Nationalist Liberal Party, Nicaraguan Free Enterprise (FUNDE) and Superior Council of the Private Enterprise (COSEP)
3. A26 045 369
 - : member of Nicaraguan Red Cross with whom he helped persons seeking asylum in other embassies
 - : member of National Liberal Party
 - : member of Liberal Somocist Youth
4. A28 676 515
 - : member of National Liberal Party prior to 1979
 - : encouraged people to vote FSLN out of office
 - : organizer of covert groups to further Nicaraguan Free Enterprise System

G. Aliens who apply for asylum based on Sandinista Government's false accusations that they are members of Contras or other Anti-Communist Groups

1. A28 650 114 (attached application A28 669 913)
 - : no claim of affiliation to any group
 - : accused of being against the Revolution and an open critic of system
2. A28 669 653 (attached applications, A28 669 657, 655, 658, 654)
 - : accused of cooperating with Contras and sent to jail
 - : no claim of affiliation to any group

H. Aliens who cite disagreement with the governments political views as the grounds for their request for asylum

1. A28 632 840
 - : criticized Sandinista Regime's in his capacity as a lawyer
 - : discontinued membership in Liberal Party due to Sandinistas persecution of members and their families

I. Aliens who cite various diverse reasons as grounds for asylum

1. A28 565 575
 - : alien was a member of the National Liberal Party
 - : alien's brother was a contra

2. A28 342 126
 - : alien's parents were denounced by State Security as Spies and Contras
 - : alien was member of Baptist Youth and Christian Movement
3. A28 548 597 (3 attached applications, A28 548 596, 598 599)
 - : alien was a member of the Conservator Party (PCN) and a member and vice-President of FAGANIC (a cattleman organization)
 - : accused of being a Contra
4. A28 344 062
 - : alien was a member of Somoza regime and a member of Apostolic Church in Faith of Christ
 - : alleged on his request for asylum that since he applied for asylum in a democratic country he will be accused of "being a contra" and a "political subversive"
5. A28 344 065
 - : wife of member of the Somoza Regime
 - : member of Apostolic Church in Faith of Christ
6. A28 784 466
 - : member of Roman Catholic Church
 - : accused of being a Contra due to her friendship with the nephew of the Nicaraguan Resistance Leader

7. A28 874 572 (attached application, A28 874 573)
 - : expressed disagreement with government
 - : cousin killed because he was a member of Contras
 - : Uncle was vice-Minister of Internal Revenue Ministry under Somoza regime
8. A28 351 312
 - : relatives were members of former Nicaraguan Army
9. A28 670 368 (attached applications, A28 670 370, 371)
 - : member of Battalion 4018 of Reserve but deserted in September 1986
10. A28 441 646
 - : husband was a member of the Daud Party and helped the Mujhedin
11. A28 549 480
 - : applicant's husband was a member of the Partido Liberal until 1979
 - : alien's parents belong to the FDN
12. A28 785 033 (5 attached applications, A28 785 035, 034, 036, A28 787 034, 038)
 - : attachment to request for asylum states his political views were not accepted
 - : legally represented a friend accused of contributing economic resources to the Contras
 - : legal representative of Nicaraguan Development Institute

APPENDIX 3 TO DIMIDJIAN DECLARATION

APPENDIX THREE: SUMMARY OF ALIEN FILES IN
THE CONTROL GROUP

**First number corresponds to principal applications;
second number includes family applications which are
attached to the principal applications

Control Group: 65/123

- A. Asylum Granted: 4/7
- B. Asylum Application Withdrawal: 1/1
- C. Asylum Denied, No Order to Show Cause: 6/12
- D. Asylum Denied, Order to Show Cause: 6/13
- E. In Process: 45/86
 - 1. 1987: 1/1
 - 2. 1988: 2/6
 - 3. 1989: 17/38
 - 4. 1990: 19/67
 - 5. 1991: 3/6
 - 6. 1992: 0
 - 7. 1993: 3/8
- F. Terminated For Lack of Prosecution, Order to Show Cause: 0
- G. Terminated For Lack of Prosecution, No Order to Show Cause: 3/4

Control Group: Asylum Granted

1. A27 920 642 (643, 644, 645) (Box One)
—granted asylum, 4/7/92
2. A28 342 127 (Box Four)
—Legal permanent Residence granted,
11/29/90
3. A28 560 456 (Box Four)
—Asylum granted 5/7/92
—Permanent residence status approved,
3/12/94
4. A28 565 839 (Box Four)
—Asylum granted, 4/16/92
—Granted status of Lawful Permanent
Resident, 2/7/94

Control Group: Asylum Application Withdrawn

1. A28 633 322 (Box Two)
—applicant withdraws application and informs
INS of his intention to return to Nicaragua,
7/6/92
—NB: no document showing departure

Control Group: Asylum Denied, No Order to Show
Cause

1. A28 630 548 (Box Two)
—Asylum denied, 9/8/93
2. A28 653 304 (Box Two)
—Asylum denied, 6/20/89

3. A28 821 729 (Box Three)
—Letter of failure to request interview after
Mendez and denying asylum (no date but
must be after 3/16/90)
4. A28 824 763 (Box Three)
—letter from attorney requesting Order to
Show Cause and hearing, 12/11/90
—asylum was denied 9/28/88
5. A23 727 457 (Box One)
—Asylum Denied, no date on letter
6. A28 306 080 (Box Four)
—Asylum denied 12/3/86 and reaffirmed denial
6/23/89

Control Group: Asylum Denied, Orders to Show
Cause

1. A27 520 949 (BOX ONE)
—Order to Show Cause, 2/14/94, for OVER-
STAY
2. A12 918 435 (Box One)
—Order to Show Cause, 5/2/94, for OVERSTAY
3. A23 729 725 (Box One)
—Order To Show Cause for OVERSTAY
4. A28 681 594 (Box Two)
—Order to Show Cause, 12/17/92, OVERSTAY
—Immigration Judge's Order, 6/21/94
: Asylum denied; any appeal due by 7/1/94
5. A28 739 465 (Box Three)
—Order to Show Cause, 3/28/94, OVERSTAY

6. A28 821 745 (Box Three)
 - a. Order to Show Cause issued 7/23/93 for over stay
 - b. Suspension of Deportation granted by Immigration Judge, 3/11/94

Control Group: In Process

- A. 1987
 1. A27 636 004 (BOX ONE)
 - Notice of Intent to Deny, 6/19/87
- B. 1988
 1. A28 685 389 (Box Two)
 - Interviewer recommends Denial, 2/22/88
 2. A28 564 579 (Box Four)
 - Interviewer recommends denial, testimony is not credible, 7/11/88
- C. 1989
 1. A27 962 032 (BOX ONE)
 - motion to reopen based on Cardozo, 9/1/98
 - had not previously been denied
 2. A27 723 985 (BOX ONE)
 - State Dept. Opinion, Deny, 10/25/89
 - Previously Denied (8/20/86) but motion to reopen based on *Cardozo-Fonseca* (8/8/88)
 3. A26 677 081 (BOX ONE)
 - State Dept. Opinion, Deny, 10/25/89
 - Previously Denied (10/19/84) but reopened after *Cardozo-Fonseca* (6/12/89)
 4. A26 049 753 (BOX ONE)
 - Notice of Intent to Deny, 6/28/89
 - Previously terminated for Lack of Prosecution, 2/24/84
 5. A28 625 752 (BOX TWO)
 - Interview Preliminary Assessment, 6/27/89, DENY

6. A28 653 688 (BOX TWO)
 - Initial Interviewer recommends Asylum is denied, 5/11/89
7. A28 670 979 (BOX TWO)
 - Interviewer recommends granting asylum, 12/14/89
8. A28 675 932 (BOX TWO)
 - Interviewer recommends Denial, 6/15/89
9. A28 676 015 (BOX TWO)
 - Interviewer recommends Denial, 5/24/89
10. A28 679 742 (BOX TWO)
 - State Dept. Advisory Opinion, Deny, 7/27/89
11. A28 742 043 (Box Three)
 - Applicant's rebuttal to Notice of Intent to Deny, 8/29/89
12. A28 850 176 (Box Three)
 - Interview Assessment, Deny, 6/29/89
 - Case status Printout of 7/30/93 states that last action was the BHRHA response on 7/12/89
13. A28 874 664 (Box Three)
 - Notice of Intent to deny, 6/28/89, and rebuttal which is not dated
14. A28 441 643 (Box Four)
 - Amended Denial stating that additional material is insufficient to establish a well-founded fear of persecution, 2/14/89

15. A28 565 655 (Box Four)
 - rebuttal to Notice of Intent to Deny, 7/7/89
 - ** Notice of Intent to Deny is not in folder
16. A28 565 749 (Box Four)
 - Notice of Intent to Deny, No Date
 - last document dated is State Dept. Advisory Opinion, Deny, 7/3/89
17. A28 557 775 (Box Four)
 - Interviewer recommends denial, 6/23/89 (with BHRHA sticker affixed disclaiming possession of factual material about this specific applicant)

D. 1990

1. A26 070 382 (Box One)
 - State Dept. Opinion, Deny, 5/8/90
 - Previously Denied (8/18/86) but motion to reopen after *Cardozo* (4/2/90)
2. A26 044 948, 949 (Box One)
 - State Dept. Opinion, Deny, 5/15/90
 - Previously Denied (10/10/84) but motion to reopen filed after *Cardozo* (6/12/89)
3. A28 650 143 (BOX TWO)
 - filed motion to reconsider, 3/13/90
 - previously denied, 9/25/87
4. A28 625 560 (BOX TWO)
 - letter (10/24/90) setting interview for 12/10/90
5. A28 666 511 (BOX TWO)
 - State Dept. Advisory Opinion, Deny 3/16/90
6. A28 667 022 (BOX TWO)
 - Interviewer recommends Denial of asylum, 10/16/90

7. A28 675 788 (BOX TWO)
 - Notice of Intent to Deny, 10/1/90
8. A28 688 484 (Box Three)
 - State Dept. Advisory Opinion, Deny, 6/7/90
9. A28 950 597 (Box Three)
 - State Dept. Advisory - Opinion, Deny, 6/12/90
10. A28 953 646 (Box Three)
 - Request for new interview, 5/4/90
11. A28 687 588 (Box Three)
 - Notice of Appointment for interview, 6/28/90 (plus memo to file 10/6/92 stating that an I-688 is to be issued on 10/26/92)
12. A23 727 037 (Box One)
 - Right to secure a new interview after *Mendez* 5/18/90
 - Letter denying asylum is not dated but since it refers to 2/9/88 Notice of Intent to Deny we can assume the denial occurred before 5/18/90
13. A28 558 171 (Box Four)
 - Interviewer recommends denial, not credible, 4/3/90
14. A28 565 631 (Box Four)
 - State Dept. Advisory Opinion, DENY, 3/16/90
15. A28 291 282 (Box Four)
 - State Dept. Advisory Opinion, Deny, 4/16/90
16. A27 719 134 (Box One)
 - State Dept. Advisory Opinion, Deny, 6/15/90

17. A28 688 614 (Box Three)
—interviewer recommended denial, 1/16/90
18. A28 687 848 (Box Three)
—interviewer recommended denial, 1/30/90
19. A26 671 833 (Box One)
—State Dept. Opinion, Deny, 3/29/90
—Motion to reconsider had been filed after *Cardozo*

E. 1991

1. A27 520 876 (BOX ONE)
—Request for an Order to Show Cause filed by applicant's attorney Nelson 11/1/90, 11/19/99, and finally 3/5/91
2. A28 679 418 (BOX TWO)
—I-765 approved 1/4/91
3. A28 687 752 (Box Three)
—State Dept. Advisory Opinion, Deny, 2/7/91

F. 1992

G. 1993

1. A28 866 363 (BOX TWO)
—employment authorization granted, 2/22/93
2. A28 643 381 (BOX TWO)
—request for asylum still pending because he was interviewed before the new asylum program which commenced 4/1/91 (letter dated 6/8/93)
3. A28 687 889 (Box Three)
—refiling of amended request for asylum and request to schedule a new interview, 3/3/93

—preliminary interview recommended denial because of lack of evidence to substantiate applicant's claims, 1/20/89

Control Group: Terminated For Lack of Prosecution,
No OSC

1. A28 634 360 (Box Two)
—terminated 6/14/89
—no Order to Show Cause
2. A28 649 327 (Box Two)
—terminated, 8/27/87
—No Order to Show Cause
3. A28 634 385 (BOX TWO)
—Terminated application, 6/20/89
—No Order to Show Cause

Excerpts from FBI Report on the PFLP, filed by
Defendants as Exhibit 45 to Frank Knight
Declaration (filed March 1, 1996) . . .

U.S. Department of Justice
Federal Bureau of Investigation

POPULAR FRONT
FOR THE LIBERATION
OF PALESTINE (PFLP)
Los Angeles Area

[DOJ-FBI Seal omitted]

December 1986

Volume I of IV

International Terrorism Squad

Los Angeles Division

FOR OFFICIAL USE ONLY

POPULAR FRONT
FOR THE
LIBERATION OF PALESTINE

December 1986

PFLPSYNOPSIS

This document is a report representing the activities of the Popular Front For The Liberation of Palestine (PFLP) in the Los Angeles metropolitan area. It identifies the PFLP as a Marxist/Leninist international terrorist organization affiliated closely with the Soviet Union and its goals concerning Communism. The PFLP advocates the use of violence to achieve its goals to overthrow the United States of America (USA) and other legally constituted forms of government. PFLP international leader Secretary General George Habash has publicly announced after the USA air raids on Libya, that the PFLP would carry out violent attacks against American citizens. This report also sets forth specific documentation that identifies the PFLP as operating in the USA and that it has a well organized membership in the Los Angeles metropolitan area with overt and covert objectives. This report sets forth information which links the PFLP to other domestic and international leftist terrorist/revolutionary groups. It also identifies specific front organizations operated by the PFLP, its fund raising activities, leaders and associates of its Los Angeles leader, Khader Musa Hamide, and other overt PFLP activities.

The Immigration and Naturalization Service (INS) in Los Angeles is providing a major contribution to the investigation by attempting to determine if sufficient evidence is available to deport specific individuals involved in the PFLP in the Los Angeles area.

The document contains a list of evidence to support possible INS violations being committed by members of the PFLP in Los Angeles, California.

Documentation supporting these allegations are also included in the section under "Supporting Documentations". Original documents, reports, and photographs are available as well as Agents for testimony and court proceedings.

This report should be utilized in conjunction with the following two documents: "Popular Front For The Liberation Of Palestine," dated July 1985, produced by the Federal Bureau of Investigation (FBI), Terrorist Research and Analytical Center, Terrorism Section, Criminal Investigative Division; and "Popular Front For The Liberation of Palestine, New York Area," dated June 1986, Volumes one to three. These two documents are referred to as the (Bureau Document) and the (New York Document) respectively.

This report provides an addendum to the "Bureau Document" in order to set forth further information that identifies the PFLP as an ally of the Soviet Union and linked to the KGB of the Soviet Union. This report has also reproduced specific portions of the "New York Document" to preclude the user from having to locate the particular information in that document.

PFLP LOGO (1979)

[Logo omitted]

THE LOGO FOR THE POPULAR FRONT FOR THE LIBERATION OF PALESTINE DEPICTS THE GEOGRAPHIC OUTLINE OF PALESTINE. THE ARROW REPRESENTS THE GROUP'S RETURN TO THE PALESTINIAN HOMELAND.

[Map of The Middle East]



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PFLPPURPOSE

The purpose of this report is twofold. The first and foremost purpose is to provide a document for the United States Immigration and Naturalization Service (INS) concerning investigation on specific activities of the primary leaders and members of the PFLP in the Los Angeles area for potential use by INS and other law enforcement agencies in their investigations. Los Angeles INS and other law enforcement agencies assisted in these investigations. The report sets forth, as does the New York report, the role those PFLP cells operating in the United States (U.S.) and the Los Angeles metropolitan area play in support of international terrorism and world communism, and the role non-U.S. citizens in the Los Angeles metropolitan area play in the leadership of those cells and PFLP activities.

The second purpose of this report is to make available a document to assist other field offices of the FBI, local and other federal law enforcement agencies in the Los Angeles area in understanding how the PFLP as an international terrorist group operates clandestinely within a free society and how it may transgress the laws of that society. The report will also provide a base of information to draw from.

This report is not classified but is "FOR OFFICIAL USE ONLY." It will be freely distributed to any interested law enforcement office, on a need to know basis.

It is noted that the United States Customs Service (USCS) played an important role in this investigation. Without their assistance numerous PFLP publications and supporting documents entering the U.S. could not have been obtained. USCS freely provided the publications and documents for analysis without requesting or expecting a response.

It is also noted that the Los Angeles Sheriff's Department (LASD), San Bernadino Police Department, San Bernadino Sheriff's Department, Riverside Police Department, Riverside Sheriff's Department and the Los Angeles Police Department (LAPD) played an important role in this investigation. Without the assistance of the surveillance teams and investigators of these law enforcement agencies, specific information set forth in this report on the activities of the leaders of the PFLP in the Los Angeles area would not be available.

It is anticipated that these other law enforcement will receive a copy of this report for their own investigative use.

This report is not being presented in a format suitable for prosecution. Being analytical, it will present and attempt to draw facts together and will make, at times, conclusions. A few will be noted as speculative. It is, however, expected to assist in determining if those aliens described herein are in violation of Section 241 (8 U.S. Code 1251) "General Classes of Deportable Aliens" and subject to administrative action by INS. It can also assist other Federal and local law enforcement agencies in setting forth those specific activities the PFLP is engaged in within the Los Angeles area. Those findings clearly indicative of criminality will be presented in proper prosecutive

format when and where applicable. If necessary for any INS administrative or other agency proceeding, FBI Los Angeles will furnish a Special Agent to attest to the facts herein.

Lastly, this report is a working paper, a tool. When referring to the TAB exhibit sections in Volumes II and IV, readers are requested to excuse the roughness of the presentation. In several instances the exhibits represent the work of several translators, some of whom did their own typing. In some cases, particularly the speeches, the sentences seem to ramble. This is due in part to the writer/speaker of the original work, as well as the ability of each translator to truly translate rather than simply transliterate. The reader, however, will have no problem understanding the overall meaning, the original authors intended to impart. The sections of this document have attempted to utilize the FBI reports which are utilized in prosecutive actions. These reports are referred to as FD-302's and Inserts.

In reading this report one will notice some disparity in the spelling of individuals' names. Because Arabic has a different alphabet from English, names are spelled phoenitically many times, without following the official translation system. Also, Arabic middle names are sometimes the first name of the father, and many times a person is known by his first and middle names only.

The INS statutes that the PFLP leadership may be violating, involve the sworn statements made by these individuals in application for Permanent Residence Alien Status or in application for U.S. Citizenship. In Summary, the statutes state that an alien who is a member of the Communist Party or any group

exposing that ideology may be ineligible under U.S. immigration law to become a United States citizen and may in fact be subject to deportation under Section 241, Title 8 U.S. Code, 1251. A PFLP leader, upon answering those questions in the presence of an examiner, and having signed an affidavit swearing to the truth of those answers may be in violation of Title 18, USC Section 1001, which states "whoever in any matter within the jurisdiction of any department or agency of the U.S. knowingly or willfully falsifies, conceals or covers up by any trick, scheme, or device, as material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry shall be fined not more than \$10,000 or imprisoned not more than five years, or both."

* * * * *

As set forth later, HAMIDE and his cadre appear to be involved in covert activity and are known to be involved in fund raising. From physical surveillances, it has been noted that HAMIDE meets often with individuals on a covert basis. Prior to these meets, HAMIDE and his assistants will perform extensive counter surveillances and evasive acts. (See Tab SURVEILLANCES).

The list of individuals on the PFLP mailing list should be checked carefully. The list reflects those domestic terrorist groups the PFLP is involved with, such as * * * LEONARD PELTIER, convicted bomber, and the Prairie Fire Organizing Committee (PFOC), MERYL GEFFNER, PAUL SCRIBNER,

FRANK DUHL, MARIA HAYDEE TORRES, convicted bomber, D. STERN, and HENRY BORTMAN.

On page four of NISER's translations, NISER speaks about visits of the PFLP leaders "to cover most of the activities . . . to be able to check all the work. . ." NISER has been observed having a variety of meetings with individuals when he comes to Los Angeles.

NISER's papers also admit that the PFLP had formed the following committees: the Unions, General Secretary, Administration Affairs, Information, and Political Department, Military. All of these committees were given missions decided and programmed by the leadership of the Chapter. Los Angeles believes KHADER HAMIDE is involved as at least a Chapter leader.

On the thirteenth page of NISER's translations, NISER stresses the need for the PFLP to have good leaders in each area, and that without these leaders the PFLP's ability to function and carry out its missions is severely hindered. KHADER HAMIDE is the type of leader the PFLP is seeking. HAMIDE is intelligent, aggressive, dedicated, and shows great leadership ability. By removing HAMIDE through criminal or deportation proceedings the PFLP will be severely hampered in Southern California.

On the seventeenth page of NISER's translations, NISER points out that the PFLP has established Military Chapters, that have been unable to keep the schedule due to other imposed activities. NISER did not specify whether these military chapters were inside or outside the United States.

On the eighteenth page, NISER sets forth the PFLP's progress in penetrating the General Union of Palestinian Students (GUPS), etc. It must be remembered that NISER was returning with these reports from Damascus, Syria in 1983. As of 1986 the PFLP

* * * * *

PFLP FUND RAISER ST. ANNES MELEKITE
CHURCH, NORTH HOLLYWOOD, CALIFORNIA

SEPTEMBER 28, 1984

(See Tabs: Fund Raisers, Photos)

On September 28, 1984 at 7:00 P.M. the PFLP held a fund raiser at the St. Annes Melekite Church, 11211 Moorpark Street, North Hollywood, California. KHADER HAMIDE was the primary organizer of the fund raiser.

The fund raiser began at 7:00 P.M. It was announced at the fund raiser that \$2100 was collected from donations and four hundred tickets had been sold at \$10.00 per person or seven dollars per student. Approximately two hundred fifty people attended the fund raiser. It was estimated that a total of approximately \$6100 was collected. The collected money was given to PIERRE ALWAN, President of U.S. Omen, South Bay Chapter. It was announced that ALWAN made a personal donation of \$600.00.

HAMIDE was the primary individual responsible for setting up the fund raiser which from the banners over the main stage and the topic of the primary keynote speaker HABIB SADEK, was to raise funds for the Lebanese National Resistance Front (LNRF). Photographs of JULIE MUNGAI, BASHIR AMER, and HAMIDE were obtained reflecting them selling

PFLP material at the fund raiser and operating the PFLP information counter.

At this fund raiser it was determined that U.S. Omen was a front organization for the collection of funds for the PFLP, and the transferring of those funds out of the United States.

The LNRF is a loosely organized group of young Arabs mostly in Southern Lebanon, who attempt to kill Israelis whenever or wherever they can. The fund raiser was attempting to raise funds, through U.S. Omen. The keynote speaker HABIB SADEK advised that the LNRF has no formal structure of support or organization and, therefore, needs the assistance of established groups. SADEK is known in the Arab community as a member of the Communist Party of Lebanon (CPL) and is alleged to have run for the Lebanese parliament on or about 1976 on the Communist Party platform.

HAMIDE was the second speaker at this fund raiser. HAMIDE spoke on the coalition between the PFLP and DFLP, the N29CP and the centralized leadership established for the National Liberation of Palestine.

* * * * *

* * * * *

PFLP FUND RAISER ON FEBRUARY 15, 1986
at GLENDALE CIVIC AUDITORIUM,
GLENDALE, CALIFORNIA
 (See Tabs: Photographs, Fund Raisers)

On February 15, 1986, a physical surveillance at the Glendale Civic Auditorium, Glendale, California, determined that the POPULAR FRONT FOR THE LIBERATION OF PALESTINE (PFLP) held a fund raiser at the auditorium on February 15, 1982.

At approximately 12:00 noon, approximately twelve Arab men and women entered the auditorium. An individual who was called AYMAN by his colleagues, removed the United States and California flags from their locations on the stage and placed them somewhere in the back area of the stage. AYMAN was a tall male Arab, black hair, moustache, wearing a grey jacket with a red stripe, and a white sweat shirt with black printing on it. Ayman has been identified as AYMAN OBEID, a PFLP Cadre member.

KHADER HAMIDE and JULIE MUNGAI arrived at the auditorium about 12:30 p.m. HAMIDE used the name GEORGE MUSA with the city personnel at the auditorium.

Numerous posters depicting Palestinians with AK-47 assault rifles and other implements of war were posted throughout the auditorium. Also posted throughout the auditorium were long, white banners with black Arabic writing on them. Numerous photographs of the individuals assisting in setting up the fund raiser and attending the actual fund raiser were taken.

At about 3:49 p.m. JABR EL-WANNI, West Coast Regional Leader of the PFLP, arrived at the auditorium. EL-WANNI was the keynote speaker at the event.

The following individuals were photographed assisting in the fund raiser. All of these individuals are either cadre PFLP or supporters of the PFLP:

* * * * *

AYMAN OBEID, PFLP Cadre

* * * * *

MICHEL SHEHADEH, PFLP Cadre

KHADER MUSA HAMIDE, PFLP Leader in Souther California

JULIE MUNGAI, live-in girlfriend of KHADER HAMIDE,

PFLP Supporter

* * * * *

AMJAD OBEID, PFLP Cadre

* * * * *

NAIM SHARIF, PFLP Cadre

* * * * *

BASHAR AMER, PFLP Leader, San Bernardino, California

* * * * *

The stage contained a large flag of the PLO measuring approximately twelve feet by eighteen feet. The podium was to one side of the stage with a picture of GEORGE HABASH hung from it and the PFLP logo hung below HABASH'S picture. A second picture of HABASH was hung on the wall next to the podium.

The front of the stage was decorated with PLO and PFLP flags, as well as braided ribbon in the colors of the PLO flag. A small PLO flag also was opposite the podium in a standard.

Long tables were set up allowing 800 people to sit. On each table was a white tablecloth with a ribbon running the length of the table in the colors of the PLO flag. On each table were placed two red cutouts on stands of the PFLP logo. Each place setting contained a red placemat, napkin, and eating utensils, along with leaflets/letters.

The fund raiser began with an entrance ceremony. The house lights were dimmed and several PFLP Cadres marched into the auditorium from the center rear doors, and proceeded up the center of the auditorium to the stairs on either side of the stage. The entrants proceeded up the stage stairs and onto the stage stopping and facing the audience. During the entrance music was played. As the entrants entered the auditorium a slide show showing people from the Middle East was presented. Some of the male entrants/participants wore military fatigues. The women wore a traditional Palestinian dress.

SOUAD JABER carried the PFLP flag. IBRAHIM SAADEH carried the PFLP flag. AIAD BARAKAT, NAIM SHARIFF, BASHAR AMER, AMJAD OBEID, AYMAN OBEID, MAY HARB, ORAIB BUSTAMI, SAMIR MOHAMMAD, KHADER HAMIDE, HASSAN KRAYEM, and MICHEL SHEHADEH also were part of the entrance ceremony. In all about twenty-five people partook in the entrance ceremony. JABER EL-WANNI, MICHEL SHEHADEH, and SOUAD JABER were the main speakers at the fund raiser. KHADER HAMIDE, VICTOR DABBAH, and PIERRE ALWAN

were the primary individuals collecting the money during the fund raising portion of the event. Also HASAN KRAYEM, collected money from the audience, NAIM SHARIF, assisted in collecting money on the stage, AMAJAD OBEID collected money from the audience, and MICHEL SHEHADEH, assisted on the stage. HAMIDE, ALWAN, and/or DABBAH would obtain the money or pledge and hand it to an unknown male seated at a table on the stage who appeared to make an entry into a ledger. A large fat unknown male was also on the stage. This unknown individual would announce the name of the person making a donation and the amount of the donation or pledge.

Estimates of the number of people who attended the fund raiser ranged from 800 to 1,200 people. The event was well orchestrated.

The fund raiser finished about 11:00 p.m. Music and dancing continued until after midnight with HAMIDE and the cleaning crew leaving about 3:00 a.m. on February 16, 1986. The American flag was not returned to its standard on the stage.

Also observed at the fund raiser was * * * and * * * .

DEMONSTRATION AGAINST THE ISRAELI
CONSULATE, LOS ANGELES
MARCH 26, 1985

(See Tabs: Photos, Demonstrations)

On March 20, 1985, an individual provided a brochure concerning a demonstration to be held on March 26, 1985, at the Israeli Consulate in Los Angeles, California. The individual advised that HAMIDE was distributing the brochure.

On March 26, 1985, a demonstration was held at the Israeli Consulate in Los Angeles, California, at twelve noon, protesting the Israeli occupation of Lebanon. The demonstration per the brochure distributed, reflected the demonstration was sponsored by "the AD HOC COMMITTEE ON LEBANON."

Numerous photographs were taken including photographs of KHADER MUSA HAMID, alleged leader of the POPULAR FRONT FOR THE LIBERATION OF PALESTINE (PFLP).

During the course of the demonstration and subsequent to the demonstration, HAMIDE was observed speaking with numerous individuals of Middle-East descent. Some of these individuals wore PALESTINE LIBERATION ORGANIZATION (PLO) scarves and shirts. At all times it appeared that HAMIDE was the center of influence in his group. Other individuals consistently stood around HAMIDE and listened as HAMIDE spoke to them. At one point after the demonstration, a Middle-east male, wearing a PLO scarf and shirt ran up to HAMIDE, carried on a short conversation with HAMIDE, then ran approximately one and a half blocks to a second group of individuals and spoke to them. It appeared as if the male individ-

ual received information from HAMIDE and then passed it on to the other group. Those people in the other group were BASHIR AMER and * * * known PFLP Cadre.

During the demonstration, HAMIDE was observed and photographed carrying an anti-U.S., anti-Israeli placard.

Other PFLP members/leaders and other known supporters of the PFLP who assisted HAMIDE at the demonstration were:

* * *

MICHEL SHEHADEH - PFLP

* * *

* * *

PFLP

NAIM SHARIF -

PFLP

KHADER MUSA HAMIDE -

PFLP leader

Southern
California

AYMAN OBEID -

PFLP Long
Beach

* * *

BASHIR AMER -

PFLP

* * *

* * * * *

SUMMARY

This document attempts to set forth some of the activities of the PFLP in Southern California and to show how PFLP objectives are being carried out. It also attempts to show that the PFLP's objectives are the result of decisions made through a chain of command emanating from GEORGE HABASH's headquarters in Syria. It also attempts to show that the PFLP is interested in no less than the subjugation of the entire world under a Communist regime, and not the mere establishment of a Palestinian state. While the PFLP used to be referred to as being under the umbrella of the PLO, to date, the greatest detriment to the PLO organization and its effectiveness has been the defection of the PFLP and other Palestinian groups opposed to YASIR ARAFAT's leadership. The PFLP for years has been operating independently of the PLO and has been instrumental in destroying any peace efforts the PLO or United States have attempted.

Large sums of money are being collected by the PFLP in the United States to fund its violence and terror machine. This document hopes to identify key PFLP people in Southern California sufficiently enough so that law enforcement agencies capable of disrupting the PFLP's activities through legal action can do so. As one can readily observe, the amount of information obtained is voluminous, however, if terrorism and the deliberate aiding and abetting of that terrorism by the PFLP in America is to be stopped or hindered, law enforcement should become aware of the material provided herein. The material in this document has been presented for this purpose. However,

the material interrelates in far more ways than could be set forth in this document.

The PFLP has been around for many years operating in this country with little or no interference. It has become so well organized that it operates in a manner similar to organized crime groups. The PFLP has its attorneys, leaders, and followers, its money system and its secret and illegal system. Members come to the United States and lie in application for Permanent Resident Alien Status (Green Card), lie in Application for U.S. Citizenship and frequently are advised by PFLP leaders to marry solely for a Green Card (marriage fraud). This document attempts to link PFLP activities occurring in Los Angeles to those emanating from Damascus, Syria.

The individuals identified as being heavily involved in the PFLP should not be allowed to obtain Green Cards or U.S. citizenship. PFLP people, by virtue of their creed, hate the United States and all the U.S. Constitution stands for. Further, the PFLP tax exempt organization should not be allowed to collect money without the close oversight of law enforcement agencies ensuring that this money is neither expended to support terrorist activities, nor collected in an illegal manner.

FD 302 (Rev. 3-8-77)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 2/27/85

A Confidential Source who has provided reliable and accurate information in the past, provided the following information concerning the fund raiser held on February 23, 1985 by the POPULAR FRONT FOR THE LIBERATION OF PALESTINE (PFLP) at ST. NICHOLAS ORTHODOX CATHEDRAL, 2300 West 3rd Street, Los Angeles, California. The PFLP is a Marxist Leninist international terrorist organization.

Asset provided the following material which will be described later in greater detail.

* * * * *

Four PFLP raffle tickets sold during the fund raiser.

One two page legal size Arabic document with a speech on page two by GEORGE HABASH. This document had been previously placed on each table.

One red colored program setting forth the events that took place at the fund raiser.

Investigation on * * * at * * * File # * * *

by SA FRANK H. KNIGHT/rdw Date dictated 2/27/85

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Continuation of FD 302 of Confidential Source On * * * Page 2

One book entitled, "Beirut, 1982", showing photographs of the Israeli invasion into Lebanon and scenes of the Sabra and Shatila massacres. This book was being sold at the fund raiser.

One book entitled Zionist Propaganda in the United States: An analysis by FAYEZ A. SAYEGH. This book was being sold at the fund raiser.

One book entitled, American Aid to Israel: Nature and Impact, by MOHAMED EL-KHAWAS/SAMIR ABED-RABBO. This book was being sold at the fund raiser.

The asset provided an edition of the December, 1984, magazine, The News Circle, Arab Americans' Affairs, which contains an article on page 6, pertaining to U.S. Omen. U.S. Omen has previously been identified by the asset as the organization that is responsible for collecting and forwarding overseas the funds obtained by the PFLP.

Approximately 800 to 1000 individuals attended the fund raiser. The fund raiser was described as the most organized and well orchestrated PLO event ever seen by the asset.

Approximately 25 women and the Women's PFLP Auxiliary in San Diego, California assisted in preparing the food and other activities for the fund raiser. Other individuals from San Diego, not further described at this time, also attended and assisted in preparing for the fund raiser.

The total amount of money collected was not announced, however, the asset observed HAMIDE and his assistant MICHEL SHEHADAH collect the money and carry it into the lower level of the cathedral auditorium.

* * * ALI MAHMOUD YASIN was the PFLP leader from Riverside, California and worked very hard in helping to organize it. HAMIDE seated YASIN and his party at one of the head tables in the hall.

* * * Arizona, Riverside, California, San Diego, California, San Francisco, California, and Fresno, California attended the fund raiser. Approximately 60 ushers were utilized to assist in parking the guests as well as assisting in the program of events. The ushers wore red rectangular badges with the PFLP symbol and Arabic writing denoting the "PFLP" on it. The parking attendants wore red arm bands. The chief chef * * * used to cook for the guerrillas in the Palestinian camps located in the West Bank in Jordan.

MUDAR (LNU), subsequently identified as MUDAR YAGHI was one of the three keynote speaker. It is noted that MUDAR presented his speech in a very loud and excited manner. Asset identified MUDAR in surveillance photographs taken prior to the fund raiser.

HAMIDE was another speaker and an unknown female subsequently identified as NADA KRAYEM was the third speaker at the fund raiser. This female represented the LEBANESE NATIONAL RESISTANCE FRONT. * * *

Continuation of FD-302 of Confidential Source On * * * Page 3

* * * MUDAR took the podium, it was announced that no photographs would be allowed. When people protested this announcement, HAMIDE advised that all of the events and speeches were being video taped

and that the video tape will be made available to those desiring to see it.

An individual identified as NASSER HAMADALAH, attended the fund raiser. NASSER is a member of the DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (DFLP). NASSER assisted in preparing for the fund raiser.

* * * * *

Continuation of FD-302 of Confidential Source On * * * Page 4

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Continuation of FD-302 of Confidential Source On * * * Page 5

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The four tickets to the fund raiser are identical to prior PFLP fund raiser tickets used at other PFLP fund raisers, to include the PFLP fund raiser in San Diego, California on 2/9/85.

The two raffle tickets, numbered * * * respectively, are white cards with black printing on one side only. A photograph is enclosed of the ticket.

The article on U.S. OMEN that occurred in the aforementioned issue of "The News Circle" reflected the following information.

The South Bay Chapter of U.S. Omen held its 23rd annual convention on 11/17/84, and named ARCHBISHOP CAPOUCCI as their "Man of the Year" "for his outstanding contributions to the cause of the Palestinian people".

Dr. NAJEEB KHOURY, Vice President of the chapter advised that CAPOUCCI was unable to attend the function due to the fact that he is exiled in Italy by the Israeli government, since 1971, "Because of his

political involvement on behalf of the Palestinian cause." The article continues by advising that due to these Palestinian involvements, CAPOUCCI was denied a visitor's visa to the United States and spoke to those at the convention by telephone.

\$15,000 was raised for CAPOUCCI's "work". He is characterized as "He is a very dynamic leader, and everybody listens". Of the \$15,000 raised, \$1000 went directly to CAPOUCCI. The remainder was "divided" among NAZARETH HOSPITAL and other areas of need", said VICTOR DABBAH, President of the U.S. Omen South Bay Chapter.

Continuation of FD-302 of Confidential Source On * * * Page 6

The conversation also presented awards to U.S. Omen members PIERRE ALWAN, past U.S. Omen national president and Dr., ELIAS GHANNAM of Las Vegas, "who generously supported the organization's financial objectives".

AWNI RAYYI, U.S. Omen national president announced that ADEL BARAKAT, business, donated \$20,000 to help build a medical center in the ANAT-BAH NABLUS district (East Palestine). RAYES added, that the U.S. Omen Board of Directors voted to send \$3000 to the Beir Zeit University to be used as scholarship awards to the needy and qualified students".

"Dr. RAY JALLOW past U.S. Omen national president, briefed the guests about U.S. Omen Educational Trust".

The U.S. Omen 1984-1985 national officers are:

AWNI RAYYI - President

FUAD DAYA - 1st Vice President

VICTOR DABBAH - 2nd Vice President

RAMZI ASFOUR - Treasurer

AHLA ARAKI - Secretary

The article also identified the following individuals:

VICTOR DABBAH - Vice President of the South Bay Chapter

Dr. MAJEEB KHOURY - President of the South Bay Chapter

PIERRE ALWAN - Past national president. It is noted ALWAN has been seen collecting and depositing the funds raised at PFLP fund raisers into the U.S. Omen accounts.

ADEL BARAKAT - Member and major contributor

Dr. RAY JALLOW - Past national president

Continuation of FD-302 of Confidential Source On * * * Page 7

Dr. JIHAD RACY - Musician

Dr. NABIL AZZAM - Musician

MARON SABA - Musician

ISSA HADAWAR - Musician

The article explains that U. S. Omen, a tax exempt humanitarian organization, means hope to thousands of needy and neglected individuals. Founded in 1961, U.S. Omen has continued for over two decades to extend a helping hand not only to the sick and destitute in the Middle East but in other parts of the world as well.

A legally constituted non-profit organization, U.S. Omen is chartered under the laws of the State of

California. Chapters in Los Angeles, San Francisco, and Torrance undertake programs that seek to improve the lives of the less fortunate. To implement its goals, U.S. Omen works with recognized and well-established charitable, medical and educational institutions both internationally and nationally.

The article continues by explaining due to volunteer help, the expense ratio to the amount collected is under five percent. "This means your donation goes directly to those in need".

* * * A bank draft is then sent to another organization, not yet identified, in the Middle East or Europe, which then passes the funds to the PFLP.

Asset also advised that the children are part of the entire recruitment policy in that they are indoctrinated in the anti-Zionism and anti-United States feelings of the PFLP and from such involvement involuntarily are passed on the hatred of those who produced them as progeny. The asset states that a popular saying among the PFLP is "So long as they (the PFLP) have a mother who delivers kids, the revolution will continue".

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 3/28/85

On * * * a confidential source, who has provided reliable and accurate information in the past, provided the following information concerning the Popular Front for the Liberation of Palestine (PFLP) fund raiser held at St. Nicholas Orthodox Cathedral, 2300 W. 3rd Street, Los Angeles, California on February 23, 1985. The PFLP is a Marxist/Leninist terrorist organization under the umbrella of the Palestine Liberation Organization(PLO).

During the PFLP fund raiser on February 23, 1985 KHADER MUSA HAMIDE, PFLP leader in Los Angeles, California, would announce the amount of money and the names of those individuals who gave money. Individuals were giving \$20 to \$200.

U.S. Omen collected the money. It announced that checks were to be made out to U.S. Omen and that by making the checks payable to U.S. Omen, the donation would be tax deductible.

Investigation on * * * at * * * California File # * * * .

by SA FRANK H. KNIGHT/rdw Date dictated 2/27/85

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FD 302 (REV 3-8-77)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 4/9/85

A confidential source who has provided reliable information in the past provided the following information:

On 2/23/85, the POPULAR FRONT FOR THE LIBERATION OF PALESTINE (PFLP) held a fund raiser at the ST. NICHOLAS CATHEDRAL, in Los Angeles. KHADER HAMIDE, Los Angeles PFLP leader, organized and hosted the fund raiser. MUDAR YAGHI and NADA KRAYEM also spoke at the function with YAGHI billed as the keynote speaker. No photographs were allowed to be taken once YAGHI took the podium, for security reasons. HAMIDE had an individual video tape the entire fund raiser. The video tape shows in video and audio the speeches presented by HAMIDE, YAGHI and KRAYEM as well as other individuals who partook in the fund raise. HAMIDE advised that it takes a lot of experience and trials to organize the fund raiser. HAMIDE advised he has been doing these fund raising events for ten (10) to twelve (12) years in the United States. HAMIDE continued by stat-

Investigation on * * * at * * * File # * * *.

by SA FRANK H. KNIGHT/rdw Date dictated 2/27/85

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ing that the PFLP carries out these fund raisers throughout the U.S. and that he is part of the PFLP in the U.S. HAMIDE advised that after his fund raiser on 2/23/85, he and MUDAR (YAGHI) traveled to San Francisco where they attended the PFLP fund raiser in San Francisco on 2/24/85. HAMIDE described MUDAR (YAGHI) as 24 years old and a valuable asset to the PFLP.

HAMIDE advised that he is very dedicated to the PFLP and does not work very much in order that he can dedicate most of his time to his PFLP activities. HAMIDE also advised he "works for U.S. Omen". U.S. Omen is known as a humanitarian, tax exempt, non-profit organization established in California, for helping the Palestinians in Lebanon. It is also the front organization used by the PFLP to collect the PFLP fund raiser money in the U.S. and transfer it to the Middle East.

HAMIDE advised that he was never in Russia but was involved in the PFLP in the West Bank area of the Middle East prior to coming to the U.S. and that he is unable to return to the West Bank area because he is wanted by the authorities.

While discussing his PFLP activities in Los Angeles, HAMIDE advised that he also did the same sort of work for the PFLP in Oregon while he attended school there. He advised that he was involved in "educating new Arabs" about the PFLP while in Oregon.

Continuation of FD-302 of _____ On * * * Page 7

HAMIDE advised he wrote the following articles "Political Program for Palestine Salvation Front", which is anti-REAGAN and anti-MABARAK; "George Habash to Palestinians", and "Important Article in Occasion of Creation of Palestine Salvation Front". Copies of these articles were obtained subsequent to the 2/23/85 fund raiser finishing.

HAMIDE advised that the "PFLP was the same as the JIHAD ORGANIZATION". He explained that it was the PFLP that "blew up" the Marine barracks, Israeli barracks and French barracks in Lebanon but utilized the name of the JIHAD. HAMIDE continued by advising that the PFLP had fighters once more in Southern Lebanon and the Beka Valley.

HAMIDE stated that the PFLP is associated with the LEBANESE NATIONAL RESISTANCE FRONT in that it is a coalition of the PFLP, COMMUNIST PARTY OF LEBANON and other radical factions that "believe the gun and force is the only way to defeat their enemies".

HAMIDE advised he did not have time to get married, nor was he ready to get married to JULIE MUNGAI because he (HAMIDE) felt that if he did marry, "he would not be able to continue his involvement as he is now in the PFLP".

* * * * *

FD 362 (REV 3-8-77)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 10/16/86

A Confidential Source who has provided reliable and accurate information in the past provided the following translations concerning the POPULAR FRONT FOR THE LIBERATION OF PALESTINE (PFLP) fund raiser at the GLENDALE CIVIC CENTER Auditorium, Glendale, California on February 15, 1986.

A cassette tape utilized by Federal Bureau of Investigation (FBI) Special Agent (SA) FRANK H. KNIGHT and IMMIGRATION AND NATURALIZATION SERVICE (INS) * * * during a surveillance of the PFLP fund raiser was translated. A portion of the tape had recordings of speeches given by selected individuals. The translations follow in the order of

SOUDA JABER ATIEH (wife of SAMIR A. MOHAMMED, aka Simir Atieh, a PFLP leader in Los Angeles).

MICHEL NAIF IBRUHIM SHEHADEH, a PFLP leader in Los Angeles. SHEHADEH was the Master of Ceremony at the fund raiser.

Investigation on * * * at * * * California File # * * *.

by SA FRANK H. KNIGHT/rdw Date dictated 2/27/85

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Continuation of FD-302 of Confidential Source On * * * Page 2

JABER EL WANNI, PFLP leader from Ohio, was the highest ranking PFLP leader at the fund raiser and keynote speaker.

SOUDA ATIEH carried the Palestinian flag into the fund raiser during the entrance ceremony.

KHADER HAMIDE was the overall organizer of the event.

The following other Los Angeles PFLP members and organizations assisted in the event:

NADIM HASAN, U.S. OMEN, ISSAM RAFEEDIE, ALI YASIN, HAITHAM ARANKI, NAZEEH ARANKI, EMAD ASFOUR, AWWAD ADY, NAIM SHARIF, AYMAN OBEID, AMJAD OBEID, MAY HARB, AWAD BADDOUR, AIAD BARAKAT and BASHIR AMER.

SIDE B:

Announcement by the female who carried the Palestinian flag (SAMIR ATIEH's wife).

LADIES AND GENTLEMEN:

Everything that is Palestinian is a traditional thing we should cherish, even our folkloric dancing.

Let us dance and be happy because it will annoy the Zionist enemy who wants us to suffer. It is like a thorn in their mouth and eye when we dance.

MICHELLE SHAHADA (SHEHADEH) gave the pledge of allegiance and people on stage repeated after him at the opening of the event.

THE PLEDGE:

To our glorious flag, I swear to you, by every molecule of sand from the Palestinian land, by every drop of water from Palestinian springs and rivers, by every tear of a Palestinian baby who is deprived, by the tear of every Palestinian mother who suffered, by every drop of blood that was sacrificed for the love of Palestine, by the name of every widow, by the name of every mother and father who sacrificed their children, and by the name of the tree that has been cut, and the house that was destroyed, by the name of every suffering moans of the Palestinian people, by the "Shakra Dome and the Noble Mosque" and the "Mehdi Church and Kiyama Church" by the name of Yafa and Haifa Shores, by the name of Jalil and Ramallah villages, by your name, our Palestinian flag, the flag of resistance, I will stay proud to be Arabian, sincere and active for the revolution, for the sake of the country and the people and the national cause . . .

Continuation of FD-302 of Confidential Source On * * * Page 3

END OF PLEDGEMICHELLE SHAHADA's - Master of Ceremony

By the name of the Palestinian Democratic committees and the Palestinian Victims Organization in Los Angeles, in this national celebration for the 18th anniversary of the PFLP, this strong and ideal front that sacrifices and gives generously everyday.

Eighteen years united us by all the sacrifices and all the heroes and martyrs to continue the struggle and fight towards liberation of the homeland that has been abducted and taken by the Zionist enemy; our homeland that we worship and love. Eighteen years passed and the PFLP have never lost hope of victory and liberation, we are very confident in our hearts that he will succeed and that moves us towards sacrifice and struggle, and on the other hand our strong will gives up a stronger faith in the strength and power and its ability to create miracles, and reaching goals that has been very difficult, but some of those goals have been reached through a lot of human sacrifices and coaches of martyrs.

We will always celebrate to assure our enemies and its allies that we will never give up and we will never be tired of struggling, but we will fight and fight for our homeland and our rights, and nothing will stop us, not the enemy's barbaric actions and their sophisticated weapons.

I stand before you today, to renew the vow to continue the long struggle, with a firm determination to destroy the zionist occupants no matter how strong it is and how powerful it is; I stand before you to ask you

to unite with us and work together to defeat the enemy and to bring the PLO back to its national line.

I stand here today to tell the martyrs that we will continue the revolution and the fight no matter what dangers we encounter, and we promise you that we will fight until victory or death.

Continuation of FD-302 of Confidential Source On * * * Page 4

SIDE A

Parts concerning MAYOR ZAPHIR AIMASRI from JABER's speech:

We see Israel practicing its "Ironfist" policy by arresting our people daily and torturing them, it takes over land and property, and it bombs houses. Israel is imposing its rule inside the occupied land and cooperating with the Jordanian regime and the U.S. leadership to select the governors and mayors . . . We saw Israel appointing ZAPHIR AL-MASRI as a mayor for Nablus instead and substituting the patriot BASSAM AL-SHAKAA who gave everything he owns for the Palestinian cause. The Zionist monster is working towards controlling all the mayors by appointing the ones who cooperate with them and become Israel's agents, not only in Nablus, but also in Almiri and Ramalla, those are agents of Israel and the Jordanian regime, and the Palestinian right wing who support the Amman Agreement. We see those agents:

- 1 - HIKMAT AL-MASRI
- 2 - NAJAT AL-SHAWA
- 3 - BREISH
- 4 - ABOUL ZOLOF
- 5 - HANNA SENIORA
- 6 - FARIS ABOU RAHUCH

Those agents are forming committees in the occupied territories.

Those agents and traitors will be punished very harshly by our people, and we will not have mercy for them just like we did not have any mercy for previous traitors in the past like:

- 1 - AZIZ SHEHADAH
- 2 - KADER DAV
- 3 - JENHOU
- 4 - and others

Our people in their resistance for the Zionist enemy and the U.S. policy is terrorizing these enemies and spreading terror into their hearts. As a result, we see the USA stretching and showing off its muscles through its naval fleet in the Mediterranean".

* * * * *

* * *

FHK/tmp

1

The following investigation was conducted by SA FRANK H. KNIGHT, of the Federal Bureau of Investigation (FBI), on April 20, 1985, at Los Angeles, California.

On April 20, 1985, KHADER MUSA HAMIDE, alleged leader of the Popular Front for the Liberation of Palestine (PFLP), in Los Angeles, California, was observed and photographed attending and partaking in the demonstration titled "The National Mobilization for Peace, Jobs, and Justice Demonstration and Rally". The demonstration and rally began at Broadway and Olympic in Los Angeles at 11:00 AM and was to conclude at the Los Angeles City Hall at 1:00 PM. HAMIDE was observed carrying a anti-U.S. banner. HAMIDE was in a group of Middle East males carrying banners, one of which was the banner for the November 29 Coalition. Photographs of HAMIDE were obtained.

* * *

FHK/tmp

1

On March 26, 1985, the following investigation was conducted by Special Agents (SAs) FRANK H. KNIGHT, * * * of the Federal Bureau of Investigation (FBI) at Los Angeles, California.

A demonstration was held at the Israeli Consulate in Los Angeles, California at twelve noon, on March 26, 1985 protesting the Israeli occupation of Lebanon.

The demonstration, per a brochure distributed, reflected the demonstration was sponsored by "the AD HOC COMMITTEE ON LEBANON". Numerous photographs were taken of those individuals partaking in the demonstration to include photographs of KHADER MUSA HAMIDE, alleged leader of the Popular Front for the Liberation of Palestine (PFLP).

During the course of the demonstration and subsequent to the demonstration HAMIDE was observed speaking with numerous individuals of middle east descent. Some of these individuals wore Palestine Liberation Organization (PLO) scarves and shirts. At all times it appeared that HAMIDE was the center of influence in his group. Other individuals consistently stood around HAMIDE and listened as HAMIDE spoke to them. At one point after the demonstration a middle east male wearing a PLO scarf and shirt ran up to HAMIDE, carried on a short conversation with HAMIDE, then ran approximately one and a-half blocks to a second group of individuals and spoke to them. It appeared as if the male individual received information from HAMIDE and then passed it on to the other group.

During the demonstration, HAMIDE was observed and photographed carrying an anti-U.S., anti-Israeli placard.

* * * * *

The following investigation was conducted by Special Agent (SA) FRANK H. KNIGHT of the Federal Bureau of Investigation (FBI), in Los Angeles, California, on March 26, 1985.

The following attached photographs reflect KHADER MUSA HAMIDE and several of his associates partaking in a demonstration that was held in front of the Israeli Consulate in Los Angeles on March 26, 1985 protesting the Israeli occupation of Southern Lebanon. HAMIDE is the alleged leader of the Popular Front for the Liberation of Palestine (PFLP), in Los Angeles, California. The photographs reflect HAMIDE at one point carrying a sign which states, "Stop U.S. Aid to Israel".

The demonstration was entitled "March 26th, National Day of Solidarity with the People of Southern Lebanon". Prior to the demonstration it was known that HAMIDE was distributing the brochures advertising this demonstration and that he had been overheard stating that he would attend the demonstration. The brochure reflected that ~~it~~ was sponsored by the "Ad Hoc Committee on Lebanon". A partial list of the members of this Ad Hoc Committee was also listed. The partial list of members comprised JAMES ABOUREZK, American Arab Anti-Discrimination Committee, Archbishop PHILIP SALIBA, American Druze Society, IMAM CHIRRI, Palestine Aid Society, Arab Women's Council, United Holy Land Fund, American Federation of Ramallah, Palestine, ABDEEN JABARA, Association of Arab American University Graduates, Committee for Democratic Palestine, JIM KADDO, Middle East Information and Research Project, Palestine Congress of North America, General Union of Palestinian Students, RICHARD SHADYAC, HAROLD SAMHAT, Committee for Democratic Lebanon, and Supporters of the Lebanese Resistance Front. It is noted that Committee for a Democratic Palestine is a

frequently used title in the U.S. for the PFLP, which is a Marxist/Leninist oriented terrorist group under the Palestine Liberation Organization umbrella. The PFLP has avowed in its statements by its leader that it is interested in over-throwing the U.S. Government.

* * *

FHK/rdw

* * * * *

The following investigation was conducted by Special Agent (SA) FRANK H. KNIGHT at Los Angeles, California on April 20, 1985.

On April 20, 1985, numerous photographs were obtained of KHADER MUSA HAMIDE, AMER ADI, MICHEL SHEHADEH and SAMIR ADEEB MOHAMMED, aka Samir Atieh partaking in a demonstration against U.S. involvement in the Middle East.

"The NOVEMBER 29 COMMITTEE FOR PALESTINE" (N29CP) had two banners as well as those carried by HAMIDE, SHEHADEH, ADI, and ATIEH.

Copies of these photographs are attached.

FBI Memorandum on Julie Mungai

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Los Angeles, California

November 3, 1986

JULIE NYANGUGI MUNGAI
ALSO KNOWN AS
JULIA NYANGUGI MUNGAI
JULIE MUNGAI
INTERNATIONAL TERRORISM -
POPULAR FRONT FOR THE LIBERATION OF
PALESTINE (PFLP)

The investigation of JULIE MUNGAI was predicated on repeated information being received that MUNGAI was the live-in girlfriend and now wife of KHADER MUSA HAMIDE, and assists HAMIDE in his PFLP activity. HAMIDE is the leader of the PFLP in Southern California and Arizona.

The PFLP is a Marxist Leninist international terrorist organization whose leaders have avowed to overthrow the United States and other constitutional governments, by utilizing violent unconstitutional means. The Secretary General of the PFLP, GEORGE HABASH has made statements to U.S. News personnel that the PFLP will carry out violent attacks against U.S. persons within and outside the borders of the U.S.

According to HAMIDE's IMMIGRATION AND NATURALIZATION SERVICE (INS) file, HAMIDE advised that MUNGAI supported him financially be-

cause he was unable to find a job since his graduation from the UNIVERSITY OF OREGON with a Master's Degree in Marketing and Transportation. HAMIDE has also confided to individuals that MUNGAI supports him because his PFLP work requires so much time that he does not have time to work.

HAMIDE claimed to INS that he was married to MUNGAI; however, no record is available that reflects the marriage.

On September 28, 1984, the PFLP in conjunction with the DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (DFLP), the PROGRESSIVE SOCIALIST PARTY AND COMMUNIST PARTY OF LEBANON

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JULIE NYANGUGI MUNGAI

sponsored a fund raiser for the LEBANESE NATIONAL RESISTANCE FRONT (LNRF) at ST. ANNE MELIKITE CHURCH in North Hollywood, California. The PFLP and DFLP were the only groups that set up information and sales tables. The PFLP table, as the attached photographs depict, was staffed by MUNGAI, HAMIDE and BASHAR AMER, a PFLP leader under HAMIDE. The DFLP table was staffed by WALID HAWATMEH. As the photograph depicts, an extensive array of literature was available as well as posters, shirts, PLO flags, calendars, and kifas. The fund raiser was primarily organized by the PFLP and collected funds to assist the LNRF efforts to strike at Israeli forces in Southern Lebanon. Approximately \$2100 (U.S.) were collected from donations.

On February 9, 1985, MUNGAI was observed attending the PFLP fund raiser in San Diego, California.

On February 23, 1985, a physical surveillance observed and photographed MUNGAI assisting in setting up a PFLP fund raiser at ST. NICHOLAS CATHEDRAL, in Los Angeles, California. KHADER HAMIDE was responsible for setting up the fund raiser and was the Master of Ceremonies. MUDAR YAGHI, a PFLP leader in the United States, was the guest of honor. The fund raiser was attended by approximately 800 attendees and collected approximately \$30,000 to \$40,000 (U.S.) The mood of the fund raiser was anti-U.S., anti-Israel, and anti-peace settlements. A reasonable person attending the fund raiser would realize the money being collected was not to be utilized for humanitarian causes but for violence.

On February 15, 1986, a physical surveillance observed and photographed MUNGAI assisting in setting up the PFLP fund raiser at the GLENDALE CIVIC AUDITORIUM in Glendale, California. Approximately 1200 people attended the fund raiser. It was estimated that \$80,000 to \$130,000 was raised for the PFLP.

Investigation believes MUNGAI is not a cadre member of the PFLP, however, she is a supporter of the PFLP and is active in the overt political activities of the PFLP and the coordination of those activities with other "Progressive" communist movements both foreign and domestic.

In view of the fact that MUNGAI has been residing with HAMIDE since 1982 and supports him financially, MUNGAI occupies an important role in the PFLP. MUNGAI is presumed to be aware of all aspects of HAMIDE's activities. MUNGAI is aiding and abetting the PFLP through her support role.

JULIE NYANGUGI MUNGAI

MUNGAI is presently out of status with the IMMIGRATION AND NATURALIZATION SERVICE (INS) and is no longer employed in the U.S. as of December 28, 1984.

The following descriptive information has been developed on MUNGAI.

Name	JULIE NYANGUGI MUNGAI
Aliases	Julia Nyangugi Mungai Julie Mungai Julie N. Mungai
Date of birth	January 31, 1958
Place of birth	Nairobi, Kenya
Driver's License #	C2709032, California
Sex	Female
Race	Black
Height	5'6"
Weight	125 pounds
Hair	Black, curly
Eyes	Brown
Address	600 North Louise, #8 Glendale, California, 91206
Telephone	(818) 500-8358
Permanent address	P.O. Box 42425 Nairobi, Kenya

Attached hereto are the photographs referred to above.

FBI Memorandum on Amjad Obeid

U.S. Department of Justice
Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Los Angeles, California

November 3, 1986

AMJAD MUSTAFA OBEID
ALSO KNOW AS
AMJAD OBEID
INTERNATIONAL TERRORISM -
POPULAR FRONT FOR THE LIBERATION OF
PALESTINE (PFLP)

This investigation was predicated upon information that was obtained over an extended period of time that has identified AMJAD OBEID as a key PFLP cadre member or leader in the Los Angeles Metropolitan area. It is known that OBEID is directly involved with KHADER MUSA HAMIDE, the PFLP leader for Southern California and Arizona.

The PFLP is a Marxist Leninist international terrorist organization whose leaders have avowed to overthrow the United States Government through violent unconstitutional means. GEORGE HABASH, Secretary General of the PFLP has also made statements, to U.S. News personnel that the PFLP will carry out violent attacks against U.S. Citizens within and outside the U.S.

The attached photographs readily show OBEID assisting and meeting with HAMIDE and other known PFLP cadre members and leaders during fund raising events.

On February 23, 1985 AMJAD OBEID was observed and photographed (see enclosed photos) assisting in setting up and participating in the ceremonies of the PFLP fund raiser held at the ST. NICHOLAS CATHEDRAL in Los Angeles, California. OBEID took part in the opening ceremonies and later in the dancing portion of the fund raiser. A video showing AMJAD OBEID

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AMJAD MUSTAFA OBEID

participating in the entrance ceremony and dancing was obtained. OBEID's images appear at counter marker 582-597, 1936-2376 and 3281-3500. The speeches provided by KHADER MUSA HAMIDE, were anti-U.S., anti-Israeli and anti-Jordan in terms of advocating violence toward these governments and the overthrow of the Amman accord, and the Camp David accord. Translations of these speeches are available on request. Money was collected for the LEBANESE NATIONAL RESISTANCE FRONT (LNRFF). The LNRFF is a coalition of leftist groups operating in Southern Lebanon to fight the Israeli invasion of Lebanon. The PFLP and LEBANESE COMMUNIST PARTY OF LEBANON (LCP) are the strongest supporters of the LNRFF.

On June 9, 1985, AMJAD OBEID was observed and photographed (see enclosed photos) assisting in setting up and attending the PFLP fund raiser held at the VETERANS OF FOREIGN WARS (VFW) Hall, in San Bernardino, California. JAMAL NISER, the PFLP leader in the United States was the keynote speaker. KHADER MUSA HAMIDE was in charge of

setting up the event. OBEID is the male Arab wearing a shirt with horizontal stripes.

On November 29, 1985, OBEID was observed attending the PFLP sponsored concert "Almayadine" at San Diego, California. Almayadine is a musical group associated with the LCP in Lebanon. The concert keynoted MARCEL KHALIFE who is a member of the Communist Party in Lebanon. The concert was advertised under the name "Middle East Philanthropic Fund" and was held at San Diego on November 29, 1985 and in Los Angeles on November 30, 1985.

The LCP appears to be operating under the title of the LNRF in the Los Angeles area. Los Angeles has noted numerous joint fund raisers and meetings between the PFLP and the LNRF. Partaking in these fund raisers in support of the LNRF were known members and leaders of the LCP representing the LNRF.

During the concert in San Diego on November 29, 1985, the PFLP had a propaganda table set up and also arranged for the food that was served at the concert. OBEID appears to be in a non-leadership position within the PFLP, however, is considered to be a trusted cadre or "comrade" and is utilized by HAMIDE (supra) for a variety of tasks. OBEID is attending CALIFORNIA STATE UNIVERSITY LONG BEACH (CSULB) in Long Beach, California and is a full-time undergraduate student majoring in Civil Engineering with an anticipated graduation of August or December, 1987.

AMJAD MUSTAFA OBEID

The following identifying information was developed on OBEID:

Name	AMJAD MUSTAFA OBEID
Alias	Amjad Obeid
Date of birth	December 23, 1963
Place of birth	
Address as of September 26, 1986	1628 East 1st Street, #2 Long Beach, California, 90802
Telephone	(213) 597-3273
Address as of October 22, 1985	1102 Loma Avenue, #4 Long Beach, California, 90804
Address as of August 27, 1984	767 Freeman, #5 Long Beach, California, 90804
Sex	Male
Race	Palestinian
Nationality	Jordanian
Height	6 feet
Weight	145 pounds, medium build
Hair	Black, with beard and mustache
Eyes	Hazel
California Driver's License #	C4700694
INS #	
Occupation	Student at CSULB

Attached hereto are photographs referred to above.

FBI Memorandum on Ayman Obeid

U.S. Department of Justice
Federal Bureau of Investigation

In Reply, Please Refer to
File No. 199H-2993

Los Angeles, California

November 3, 1986

AYMAN MUSTAFA OBEID
Also Known As
Ayman Obeid
INTERNATIONAL TERRORISM -
POPULAR FRONT FOR THE
LIBERATION OF PALESTINE (PFLP)

The investigation of AYMAN OBEID was predicated upon repeated information being received that he is a member of the PFLP in the Los Angeles area and is a trusted cadre subordinate under KHADER MUSA HAMIDE, the leader of the PFLP for Southern California and Arizona. The attached photographs reflect OBEID attending and participating in a variety of PFLP sponsored events.

The PFLP is a MARXIST-LENINIST INTERNATIONAL TERRORIST ORGANIZATION whose leaders have avowed to overthrow the United States and other constitutional governments, by utilizing violent unconstitutional means. The Secretary General of the PFLP, GEORGE HABASH has made statements to United States news personnel that the PFLP will carry out violent attacks against United States persons within and outside the borders of the United States. OBEID's support of the PFLP fund

raising activity aids and abets the PFLP terror network.

AYMAN OBEID has been observed meeting with HAMIDE (supra) and assisting in PFLP events since May 1984 when a physical surveillance observed a male Arab matching OBEID's description meeting HAMIDE at HAMIDE's residence.

On February 23, 1985, AYMAN OBEID was observed and photographed (see attached photographs) assisting in setting up and participating in the ceremonies of a PFLP fund raiser held at St. NICHOLAS CATHEDRAL in Los Angeles, California. KHADER HAMIDE (supra) was in charge of setting up the fund raiser and acted as the Master of Ceremonies. MUDAR YAGHI, a PFLP leader in the United States, was the guest of honor.

OBEID partook in the entrance ceremony by carrying the flag of the PFLP (see photographs). OBEID is a member of a dance troupe known as "DABKE". THE DABKE group is/was made up

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AYMAN MUSTAFA OBEID

of AMJAD OBEID, AYMAN OBEID, SULEIMAN SHIHADDEH, AIAD BARAKAT and NAIM SHARIF. The OBEIDs, SHIHADDEH, BARAKAT and SHARIF are known cadre members of the PFLP. SHIHADDEH was recently deported from the United States to Jordan earlier in 1986 for being a subversive in the PFLP.

SHIHADDEH was stopped by UNITED STATES CUSTOMS AND IMMIGRATIONS returning from

Damascus, Syria. SHIHADAH had attended the first annual conference of the PALESTINE YOUTH ORGANIZATION (PYO). The PYO is a PFLP front organization for PFLP members 30 years old or younger. SHIHADAH was attempting to reenter the United States and had in his possession a PFLP identification card, identifying him as a "Combatant".

During the fund raiser of February 23, 1985, OBEID and the other males participating in the entry ceremony were dressed in military fatigues. The mood of the fund raiser as well as analysis of the speeches given by HAMIDE, NADA KRAYEM and MUDAR YAGHI were all anti-peace, and anti-negotiation with the United States, Israel, and Jordan. A reasonable person attending the fund raiser would conclude the fund raiser was not for raising money for humanitarian causes but to aid the PFLP in its objective of violence, against constitutional forms of governments. A video cassette tape, (not attached) was obtained of the fund raiser. The video tape depicts HAMIDE, NADA KRAYEM, and MUDAR YAGHI giving their speeches. It also depicts AMJAD OBEID, AYMAN OBEID, SULEIMAN SHIHADAH, AIAD BARAKAT and NAIM SHARIF dancing. MICHEL SHEHADAH is also on the video tape.

On March 26, 1985, a physical surveillance of a demonstration at the Israeli Consulate in Los Angeles observed and photographed AYMAN OBEID participating in the demonstration with KHADER HAMIDE (supra). Anti-American slogans were carried by members of the PFLP. The demonstration protested the Israeli invasion of Lebanon. OBEID is in the United States as a guest, on a F-1 Student Visa. His protesting against United States Foreign Policy with the PFLP, which advocates the overthrow of the United States government, is assumed to be against his visa status.

On June 9, 1985, a physical surveillance at the VETERANS OF FOREIGN WARS (VFW) hall in San Bernardino, California observed and photographed a PFLP sponsored fund raiser (see attached photographs). AYMAN OBEID was observed assisting in setting up the fund raiser. JAMAL NISER, United States leader of the PFLP was the guest of honor. HAMIDE (supra) was responsible for putting on the event.

AYMAN MUSTAFA OBEID

On February 15, 1986, a physical surveillance at the Glendale Civic Auditorium in Glendale, California observed and photographed the setting up/of an actual PFLP fund raiser (see attached photographs). Approximately 1200 people attended and an estimated \$80,000 to \$130,000 was raised for the PFLP. OBEID assisted in setting up the fund raiser and partook in the ceremonies. During the fund raising portion, OBEID was observed and photographed collecting the money from the attendees.

The Federal Agents observing the fund raiser did not speak or understand the Arabic language, however, from the posters of Palestinians with AK-47 assaults rifles, and the general mood or tone of the speeches, the agents realized the PFLP was not attempting to raise money for a humanitarian cause. The music and entire mood of the fund raiser from the entrance ceremony through the speeches sounded militaristic. The resulting translations of some of the speeches and the translation of the distributed written leaflets and brochures were all anti-peace, anti-United States peace settlement, anti-Jordanian peace settlement and anti-Israel.

Analysis of the telephone toll records of KHADER HAMIDE, the PFLP leader in Southern California and Arizona reflect that he is in constant contact with

OBEID. From observation at the aforementioned activities of the PFLP, it can be concluded that OBEID is a comrade or PFLP cadre member.

The following descriptive information has been determined about OBEID:

Name	AYMAN MUSTAFA OBEID
Aka	Ayman Obeid
Date of birth	February 9, 1962
Place of birth	Kuwait
Country of	
Citizenship	Jordan
Nationality	Palestinian
Sex	Male
Hair	Brown
Eyes	Brown
Height	6'0"
California Driver's	
License Number	C 1010931
Address as of	
12/9/85	4328 Albury Street
	Long Beach, California
Telephone	(213) 597-3273
Vehicle License	
Numbers	4P6302
	062 UDW

AYMAN MUSTAFA OBEID

Occupation	Student, junior undergraduate program CALIFORNIA STATE UNIVERSITY LONG BEACH Civil Engineering
Admission Number	995-03637325
Brother	AMJAD MUSTAFA OBEID
Other Address	1628 East 1st Street #2 Long Beach, California

Attached hereto are photographs referred to above.

FBI Memorandum on Bashar Amer

U.S. Department of Justice
Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Los Angeles, California

January 14, 1987

BASHAR HUSAM AMER, aka
Basha Amer, Bashir Amer;
INTERNATIONAL TERRORISM -
POPULAR FRONT FOR THE LIBERATION OF
PALESTINE (PFLP)

The investigation of BASHAR AMER was predicated on information that he was involved in the PFLP and was a close associate and comrade to KHADER MUSA HAMIDE, the PFLP leader in Southern California and Arizona.

The PFLP is a MARXIST LENINIST INTERNATIONAL TERRORIST ORGANIZATION whose leaders advocate the overthrow of the United States, Israel and other forms of legal governments through violent, unconstitutional and illegal means. The Secretary General of the PFLP, GEORGE HABASH, has advised U.S. News personnel that the PFLP will carry out violent attacks against U.S. citizens within and outside the borders of the United States.

The attached photographs depict AMER actively involved in PFLP functions which include demonstrations and fund raisers. Documents taken from the PFLP leader in the U.S., give evidence that the leaders of the PFLP are responsible for the overt and

covert cells. AMER is a leader of the PFLP in the Riverside/ San Bernardino, California areas, and, therefore, is presumed to be aware of those secret and overt cells and the objectives of those cells.

On September 28, 1984, the PFLP held a fund raiser at ST. ANNE'S MELEKITE CHURCH, North Hollywood, California. AMER assisted in the organization of the fund raiser.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

BASHAR HUSAM AMER;
INTERNATIONAL TERRORISM - PFLP

The fund raiser began at 7:00 p.m. It was announced at the fund raiser that \$2,100.00 (U.S.) was collected from donations and 400 tickets had been sold at \$10.00 per person or \$7.00 per student. Approximately 250 people attended the fund raiser. It was estimated that a total of approximately \$6,100.00 (U.S.) was collected. The collected money was given to PIERRE ALWAN, the President of "U.S. OMEN, SOUTH BAY CHAPTER". U.S. OMEN stands for United States Organization for Medical and Educational Needs. U.S. OMEN presently collects the funds for the PFLP and is well aware that the funds are not for humanitarian causes.

HAMIDE was the individual primarily responsible for setting up the fund raiser. Banners over the stage and the topic of the primary keynote speaker, HABIB SADEK, disclosed the fund raiser was for the LEBANESE NATIONAL RESISTANCE FRONT (LNRF). Photographs of HAMIDE'S wife, JULIE MUNGAI, and BASHAR AMER, and HAMIDE selling PLFP material were obtained as well as photographs

of the banners over the stage. These photographs are attached to this document.

As explained by SADEK, the LNRF is a loosely organized group of young Arabs located mostly in Southern Lebanon, who attempt to kill Israelis whenever or where ever they can. The LNRF has no formal headquarters or command structure and, therefore, relies upon the assistance of other organized groups to assist them financially, etc. SADEK is known in the Arab community as a member of the COMMUNIST PARTY OF LEBANON (CPL). SADEK is alleged to have run for the Lebanese Parliament on or about 1976 on the platform of the CPL.

HAMIDE was the second speaker at the fund raiser. HAMIDE discussed the coalition between the PFLP and DEMOCRATIC FRONT FOR THE LIBERATION OF PALESTINE (DFLP), the November 29, Committee for Palestine and the centralized leadership established for the NATIONAL LIBERATION OF PALESTINE.

On February 23, 1985, a surveillance at St. NICHOLAS CATHEDRAL observed and photographed numerous individuals setting up another PFLP fund raising event. AMER was observed and photographed setting up the event.

BASHAR HUSAM AMER;
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The following individuals were also observed and photographed setting up the event:

BASHAR AMER, PFLP leader in the Riverside/ San Bernardino, California area,
AIAD KHALED BARAKAT, PFLP member in the Los Angeles area,
MICHAEL SHEHADEH, PFLP subordinate leader in the Los Angeles area, * * *

AMJAD OBEID, PFLP cadre member in the Los Angeles area,
AYMAN OBEID, PFLP cadre member in the Los Angeles area,

* * * * *

NAIM SHARIF, PFLP cadre member in the Los Angeles area,

* * * * *

JULIE MUNGAI, wife of HAMIDE,

* * * * *

BASHAR HUSAM AMER;
INTERNATIONAL TERRORISM - PFLP

Approximately 800 to 1000 individuals attended the fund raiser.

Approximately 25 women from the PFLP Women Auxillary from San Diego and Los Angeles assisted in preparing the food and other activities for the fund raiser.

The total amount of money collected was not announced, however, HAMIDE and his assistant, MICHAEL SHEHADEH, was observed collecting the money and carrying it into the lower level of the cathedral auditorium. During the fund raising portion of the event, announcements were made that U.S. OMEN was collecting the funds and that the donations were tax deductible.

When the PFLP contingent from the Riverside, California, area arrived at the fund raiser, they were seated at the head table by HAMIDE. HAMIDE had several other guests at the fund raiser give up their seats at the head table in order to seat the Riverside PFLP contingent.

Individuals from Riverside, San Diego, San Francisco, and Fresno, California as well as the states of Arizona and Texas attended the fund raiser.

Approximately sixty (60) ushers assisted the guests in parking as well as assisting in the program of events. The ushers wore red rectangular badges with the PFLP symbol and arabic writing denoting the PFLP on it. The parking attendants wore red arm bands.

MUDAR YAGHI, a PFLP leader in the U.S., was one of the keynote speakers. HAMIDE and NADA KRAYEM were the other two speakers. KRAYEM represented the LEBANESE NATIONAL RESISTANCE FRONT (LNRFF). * * * Just prior to when YAGHI took the podium, it was announced that no photographs would be allowed. When the guests protested this announcement, HAMIDE advised that the entire event and the speeches were being video taped and that the video tape would be available to those desiring to view it. A copy of that video tape was subsequently obtained. * * * HAMIDE'S speech was anti-U.S., anti-Jordan, and Anti-Israel.

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The tickets sold to those attending the fund raiser were identical to tickets sold for prior PFLP fund raisers. The front of the ticket contained the PFLP symbol. The inside of the ticket contained the date, time, address and other information about the fund raiser. Raffle tickets were also sold at the fund raiser. Copies of these two (2) tickets are included in the attachment section of this document.

The following sets forth specifics about the printed material that was distributed at the fund raiser:

A letter entitled "THE PALESTINIAN NATIONAL SALVATION FRONT (PNSF) Political Program". This letter speaks out against the PALESTINE LIBERATION ORGANIZATION leadership of YASIR ARAFAT and his attempts to negotiate a peaceful settlement. It also speaks against the U.S. peace efforts and the possibilities of foiling these schemes. It sets forth the political tasks and organizational principals of the PNSF. It speaks against the Jordianian and Egyptian attempts for a negotiated resolution to the Palestinian problem. The last paragraph of the letter sets forth what the fund raiser was also for: "We consider the United States of America as our first and foremost enemy to our people, and to all the revolutionary forces in the world, . . . ; therefore, we should strengthen our international front against the U.S. policy and against its interests all over the world . . . REVOLUTION UNTIL VICTORY".

A printed speech by the PFLP Secretary General GEORGE HABASH was also distributed at the fund raiser. HABASH admits in the letter that the PFLP established the PNSF to topple the AMMAN agreement which was supported by the U.S.

A statement issued by the "The Supporters of the PALESTINE NATIONAL SALVATION (PNSF)" was also distributed at the fund raiser. This statement is anti-U.S., anti-Jordan, and anti-Israel.

It is apparent from its documents that the PFLP does not advocate peace and negotiation but only violence and military actions. The fund raiser was collecting money to support such violent activity and those in attendance had little doubt that their donated money was going to be utilized to fund killing and maiming instead of being used for humanitarian purposes.

BASHAR HUSAM AMER;
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On March 26, 1985, a physical surveillance of a demonstration at the ISRAELI CONSULATE in Los Angeles, California, observed and photographed (see attached photographs) AMER participating in the demonstration, and meeting with KHADER HAMIDE (supra). The demonstration was to protest the Israeli occupation of Lebanon. The photographs speak for themselves in describing the relationship between HAMIDE and AMER.

On June 9, 1985, the PFLP held a fund raiser at the VETERANS OF FOREIGN WARS (VFW) Hall in San Bernardino, California. HAMIDE was the keynote speaker at the event. The fund raiser was organized by PFLP cadre leaders from Riverside. The VFW Hall was rented under the name of the ARAB AMERICAN CULTURE CLUB.

A surveillance at the fund raiser determined that JAMAL NISER, PFLP leader in the U.S., was the primary celebrity at the fund raiser. Prior to the fund raiser beginning, NISER stood outside the VFW Hall and met the arriving guests.

Approximately 400 persons attended the fund raiser.

The tickets being sold had the following printed in Arabic:

Front: "POPULAR FRONT FOR THE LIBERATION OF PALESTINE" and PFLP symbol.

Inside: "The revolution is continuing for the purpose of . . . support of the PALESTINE NATIONAL SALVATION FRONT (PNSF) to topple the Amman accord. Struggling escalate all means of confronting the Zionist enemy and his designs in the occupied territory and Lebanon. Struggling for the

structure of the tripartite national steadfastness - Palestinian - Lebanese - Syrian - for confronting hostile plights". "The committee of Democratic Palestine invites you" . . .

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INTERNATIONAL TERRIORISM - PFLP

Photographs of HAMIDE and those individuals who assisted in setting up the event are in the attachment section of this document. The following individuals were observed and photographed assisting in setting up and attending the fund raiser:

AIAD KHALED BARAKAT, PFLP member in Los Angeles,

* * * * *

AYMAN OBEID, PFLP member in Los Angeles,
 AMJAD OBEID, PFLP member in Los Angeles,

* * *

BASHAR AMER, PFLP leader in San Bernardino,

* * * * *

KHADER MUSA HAMIDE, PFLP leader in Los Angeles,

* * * * *

On February 15, 1986, the PFLP held a fund raiser at the GLENDALE CIVIC AUDITORIUM, Glendale, California. A surveillance at the GLENDALE CIVIC AUDITORIUM observed the following activities and individuals:

Photographs of individuals assisting and attending the fund raiser as well as copies of the speeches and printed material distributed at the fund raiser are included in the attachment section of this document. AMER assisted in preparing and participated in the event.

BASHAR HUSAM AMER;
INTERNATIONAL TERRORISM - PFLP

At approximately 12 noon, about 12 Arab men and women entered the auditorium. An individual called "AYMAN" by his colleagues and who was subsequently identified as AYMAN OBEID removed the flag of the United States and of the State of California from their positions on the stage of the auditorium to a place in the back of the stage area.

Numerous posters depicting Palestinians with AK-47 assault rifles and other implements of war were posted throughout the auditorium. Also posted throughout the auditorium were long white banners with black Arabic writing on them.

At approximately 3:49 p.m. JABR EL-WANNI, West Coast Regional leader of the PFLP, arrived at the auditorium. EL-WANNI was the guest of honor and keynote speaker at the fund raiser.

The following individuals were observed and photographed assisting in the fund raiser:

* * *

AYMAN OBEID, PFLP member,
 AMJAD OBEID, PFLP member,

* * *

MICHAEL SHEHADEH, PFLP leader,
 KHADER MUSA HAMIDE, PFLP leader,
 JULIE MUNGAI, PFLP supporter,

* * * * *

NAIM SHARIF, PFLP member,

BASHAR HUSAM AMER;
INTERNATIONAL TERRORISM - PFLP

* * * * *

BASHAR AMER, PFLP leader,

* * * * *

The stage contained a large flag of the PLO measuring approximately twelve (12) feet by eighteen (18) feet. The podium was to one side of the stage with a picture of PFLP Secretary General GEORGE HABASH hung from it and the PFLP symbol hung below HABASH'S picture. A second picture of HABASH was hung on the wall next to the podium. The front of the stage was decorated with PLO and PFLP flag as well as with braided ribbon in the colors of the PLO flag. A small PLO flag placed in a standard was opposite the podium.

Long tables with the capacity for seating 800 people for dinner were positioned on either side of a wide aisle that ran down the center of the auditorium. On each table was a white table cloth made of white paper. The table cloth had a ribbon in the colors of the PLO flag running down the length of it. Each table had a red cutout of the PFLP symbol placed in a stand at each end. Each place setting contained a red placemat, a napkin, and eating utensils, along with a program and several leaflets.

The fund raiser began with an entrance ceremony. The house lights were dimmed and several PFLP cadre members marched into the auditorium from the doors at the rear of the auditorium. The entrants proceeded up the center aisle of the auditorium and onto the stage. During the entrance ceremony, what

sounded like nationalistic music was played. A slide show depicting Middle East looking people, presumed to be Palestinians was shown. Some of the males involved in the entrance ceremony wore military fatigues. The women involved in the entrance ceremony wore traditional Palestinian dresses, however, one woman wore fatigues.

BASHAR HUSAM AMER;
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SUHAD JABER (supra) carried the PLO flag. AIAD BARAKAT, BASHAR AMER, AMJAD OBEID, AYMAM OBEID, MAY BARB, ORAIB BOSTAMI, SAMIR HO-HAMMAD, KHADER HAMIDE, JABER EL-WANNI, HASSAN KRAYEM, and MICHEL SHEHADEH were also part of the entrance ceremony. In all, approximately twenty-five (25) people partook in the entrance ceremony. JABER EL-WANNI, SUHAD JABER, and MICHEL SHEHADEH were the main speakers at the fund raiser. HAMIDE, VICTOR DABBAH, and PIERRE ALWAN were the primary individuals who collected the money during the fund raising portion of the event. HASAN KRAYEM, and AMJAD OBEID collected money from the audience. MICHEL SHEHADEH assisted in collecting the money on the stage. HAMIDE, ALWAN, and/or DABBAH would obtain the money or pledge from an assistant on the floor of the auditorium and hand it to an unknown male seated at a table on the stage. The unknown male appeared to make an entry into a ledger. A large fat unidentified male was also on the stage announcing the name and the amount the individual donated or pledged.

Estimates of the number of people who attended the fund raiser ranged from 800 to 1200 people. The event was very well orchestrated. It was obvious to the observers that HAMIDE was in charge of setting up the event and seeing that it was run according to plan. Estimates of the amount of money recieved at the fund raiser varied from approximately \$30,000.00 to \$130,000.00 (U.S.). During the fund raiser, HAMIDE was seen making notations in a ledger or note book

that he kept with him at all times. To a reasonable person at the fund raiser, it was evident that the fund raiser was not being held for humanitarian reasons but for support of PFLP violence.

The fund raiser was advertised several weeks prior to being held on ARAB AMERICAN TELEVISION. The advertisement showed the PFLP symbol and explained that the PFLP was holding its annual fund raiser at the GLENDALE CIVIC AUDITORIUM.

AMER is in the United States on a student F-1 visa. AMER is currently enrolled at CHAFFEY COMMUNITY COLLEGE, 5885 Haven Avenue, Alto Loma, California.

BASHAR HUSAM AMER;
INTERNATIONAL TERRORISM - PFLP

The following is a listing of credits AMER has received while studying at CHAFFEY:

FALL 1985

General Chemistry	C
Introduction/Fine Arts	C
History of the U.S.	D
Intermediate Algebra	F

WINTER 1986

General Chemistry & Lab	Withdrew
Organic Chemistry & Lab	Withdrew
PNN: Macroeconomics	Withdrew
Intro to Psychology	C

SPRING 1986

General Chemistry & Lab	Withdrew
Composition	B
History of U.S.	D
Intermediate Algebra I	B

FALL 1986

Work in progress

College Physics I & Lab
 History of the U.S.

From AMER'S activities and involvement in the PFLP it is obvious that he is devoted to the PFLP and not the United States.

On March 20, 1986, a physical surveillance of AMER determined that he is employed at the RANCHO MARKET, 1610 North Rancho, Colton, California. The market is owned by ALI M. YASIN a known leader of

the PFLP in Riverside/San Bernardino, California area. Further, at approximately 10:00 p.m. it was observed that AMER and several other Arab males entered AMER'S former residence 795 West Citrus, Colton, California, for a meeting.

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AMER is identified as follows:

Name:	BASHAR HUSAM AMER
Aliases:	Bashar H. Amer Bashar Amer Bashir Amer
Date of Birth:	April 28, 1962
Place of Birth:	Al-Birna, Jordan
Nationality:	Jordanian
U.S. Immigration Number:	A 27-572-307
Employment:	Rancho Market 1610 North Rancho Colton, California
Sex:	Male
Weight:	160 pounds
Height:	5'10"
Hair:	Red

DECLARATION OF DAVID COLE

1. I am counsel for plaintiffs in American-Arab Anti-Discrimination Committee v. Reno.

2. I execute this declaration for three purposes: (1) to establish that there were similarly situated others in Los Angeles whom the INS has not sought to deport; (2) to explain what has happened to date in Hamide and Shehadeh's deportation hearing; and (3) to submit two documents referred to in plaintiffs' Reply.

3. The asylum files turned over to plaintiffs in discovery in this matter (and which are under protective order) included at least six aliens in the Los Angeles area whom the INS knew were members and/or supporters of the Nicaraguan Contras, yet whom the INS did not seek to deport.

4. No. A28 821 729 was a member of the contras, and claimed that he was responsible for enlisting members in the contra organization. He entered the United States in January 1986 on a visitor's visa, and therefore his authorized stay in the United States expired in 1986. He applied for asylum in June 1987. His asylum application was denied, yet the INS did not seek his deportation.

5. No. A23 727 457 was a member of the Misura group, and was a Contra supporter. His authorized stay in the United States expired in November 1985. He applied for asylum in September 1987. His asylum application was denied, yet the INS did not seek his deportation.

6. No. A28 742 043 was a member of and an undercover agent for the contras. His authorized stay in the United States expired in March 1984. He applied

for asylum in August 1987. In August 1989, the INS notified him of its intent to deny his asylum application, but the last dated action in his file is an extension of employment authorization, dated December 1990.

7. No. A28 950 597 provided transportation and carried propaganda for the contras from 1982-86. His authorized stay in the United States expired in May 1987. He applied for asylum in November 1987. In June 1990, the State Department recommended that his application be denied. The last dated action in his file is an extension of employment authorization, dated October 1990.

8. No. A28 953 646 was an active collaborator with the contras. His authorized stay in the United States expired in June 1984. He applied for asylum in October 1987. The INS sent him a Notice of Intent to Deny his application. The last dated action in his file, however, is a request for a new interview on May 4, 1990.

9. No. A23 727 037 was an active member and supporter of the contras. His authorized stay expired in October 1983. He applied for asylum in September 1987, and was denied asylum by an undated letter. The last dated action in his file is an interview dated September 10, 1990, in which the INS officer recommended that the application be denied.

10. As demonstrated by the Declaration of Karina Dimidjian, the bulk of the files the INS turned over in response to this Court's initial discovery order were not responsive, in that they did not include members of the Contras, Mujahedin, RENAMO, or anti-Castro Cuban groups. In addition, most of the files the INS

turned over were from the Miami office. Accordingly, there were relatively few files from the Los Angeles office.

11. If the Court believes that it needs further evidence from the Los Angeles district, plaintiffs believe it would be appropriate to order disclosure of asylum files for persons associated with the Nicaraguan contras, Afghanistan Mujahedin, RENAMO, and anti-Castro Cuban groups opened in 1982 through 1985. These files would presumably include more instances of individuals whose asylum applications had been denied by 1987.

12. The immigration proceedings involving Hamide and Shehadeh—the entire transcript of which defendants have submitted as evidence—have to date focused exclusively on the INS's effort to establish that the PFLP is a "terrorist organization." None of the evidence or testimony to date has concerned plaintiffs, because the government chose to bifurcate the proceedings and first submit all its evidence on the PFLP. With the exception of one dubious incident in Texas, in which a man convicted of bank fraud was reported to have bragged in a bar to being a member of the PFLP, all of the testimony concerns alleged PFLP activity abroad.

13. None of the evidence or testimony provided at the immigration hearing is first-hand. It consists of two hired professors (Ariel Merari and Paul Wilkinson) who based their testimony on their reading of news articles, magazines and books that mention the PFLP. The professors admitted that they did no first-hand investigation and relied on no first-hand knowledge for their testimony. Ariel Merari, one of the professors, stated that while serving in the

Israeli military he had witnessed one of the incidents about which he testified, but he refused to identify which one, and refused to answer any questions about this on cross-examination, claiming that he could not provide any information from his military service.

14. As counsel for Hamide and Shehadeh, we objected to the admission of the professors' testimony on hearsay grounds, but the judge permitted the testimony, reasoning that the Federal Rules of Evidence do not apply in deportation hearings.

15. Attached as Exhibit A is a portion of the transcript from the August 16, 1995 hearing in this matter.

16. Attached as Exhibit B is a portion of defendants' Brief for Appellants from the recent Ninth Circuit appeal in this matter.

I, DAVID COLE, hereby declare that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED: March 18, 1996

/s/ DAVID COLE
DAVID COLE

Excerpts from August 16, 1995 Transcript

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

No. CV 87-2107 SVW

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HONORABLE STEPHEN V. WILSON, JUDGE PRESIDING

-o0o-

AMERICAN ARAB ANTI-DISCRIMINATION
COMMITTEE, ET AL., PLAINTIFF

vs.

JANET RENO, DEFENDANT

Los Angeles, California

Wednesday, August 16, 1995

Carmelita E. Lee
Official Court Reporter
402 United States Courthouse
312 North Spring Street
Los Angeles, California 90012
(213) 680-2355

* * * * *

Secondly, even if there was some investigation afterwards that might shed light on the fact of the initial intent.

An example—I can give you an example, Your Honor, of that.

In the submission to us in discovery, one of the things the government produced was a translation of a tape at an event. I think it occurred in 1985, but it was certainly before the prosecution. And the translation was allegedly concerning a speech that an individual, not any of the plaintiffs, but another individual, gave at the event.

Now, the government has provided a written translation of that. We want the tape itself, which is in the possession of the government. The government has refused to produce what tape on the theory that, well, this was something that an FBI agent had, and that wasn't turned over to the INS, and the INS didn't —

THE COURT: I was just getting into that.

The other subject is the government's position that the only documents that it feels it has to turn over are those that are in the INS' possession, and not in the possession of the FBI or the Justice Department.

But what if there are documents dealing with the decision to deport that are in the possession of the FBI or the Department of Justice? Why should those documents not be turned over?

MR. LINDEMANN: The decision to deport, Your Honor, and a search was done of the documents, and

the government and Justice Department generally, as the FBI, Immigration Service, but with respect to the decision to charge, that decision was an INS decision.

We have produced all of the materials that INS had at hand when it made that decision. Things that the INS never saw could have no bearing on the INS' decision to prosecute.

THE COURT: I know, but it seems as though there was some discussion beyond the INS on this question, wasn't there?

MR. LINDEMANN: Well, when you say some discussion —

THE COURT: I mean as to whether to charge, didn't the INS discuss the matter with the FBI or the Justice Department?

MR. LINDEMANN: No.

There was an early meeting that was described in the response that deals with—and we have identified those individuals who were participating in that meeting—and it dealt generally with the subject of what kinds of charges are available with respect to the immigration statute. This was an FBI and INS meeting. The particulars of this specific case in Los Angeles and anywhere else were not thrown to the table for purposes of discussion.

THE COURT: Are you telling me that there are no documents in the possession of the FBI or Justice Department which reflect upon the decision to deport these people?

MR. LINDEMANN: Your Honor, you have them all.

THE COURT: You mean the plaintiff has them all?

MR. LINDEMANN: Well, with the exception of the privilege documents that we have been discussing.

THE COURT: So you're saying there are no others.

MR. LINDEMANN: To our knowledge, there are no others, Your Honor.

THE COURT: That's what they say.

MR. VAN DER HOUT: Well, Your Honor, there is a couple of points.

One is the Gustafson declaration, and other things we previously submitted to the Court state that the FBI was intimately involved in this, not just one meeting early on. Gustafson says that the FBI was involved right up to the charging of this, and then as a matter of fact, there was the FBI—he states in here, he goes through this incident where the FBI demanded the files from him in the middle of a prosecution.

THE COURT: I know, but there is a difference perhaps, between the involvement of the FBI for purposes of * * *.